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REFLECTIONS ON THE "WORLD REVOLUTION" OF 1940*

ROBERT C. BROOKS

Swarthmore College

I

So controversial is the subject of this address—"Reflections on the 'World Revolution' of 1940"—that a few words of justification are in order. You may be assured that it was not chosen without considerable thought and trepidation. To begin with, I made a study of the addresses of my thirty-four predecessors, as presented in the pages of the AMERICAN POLITICAL SCIENCE REVIEW. Without exception, these papers impressed me as wise, scholarly, finely stated, and cogently argued. Occasionally they were lightened by the lambent play of humor. On the other hand, several of them were decidedly dry—a quality less refreshing in discourses than in wines. Many of my predecessors dealt penetratingly and profoundly with topics taken from the fields of specialization wherein they were masters, often the greatest of American masters. Others discussed broadly and philosophically the nature of political science, its relations to the social sciences in general, or the problems encountered in teaching this science.

Of course so brief a summary cannot do justice to the almost infinite variety of materials presented by past presidents of our Association. There was, however, one type of subject which as a rule they avoided—that of contemporary, controversial political affairs. Even during the years of the First World War and immediately thereafter, this proved to be the case with only one or two exceptions. No doubt the motive which prompted most of my predecessors to avoid issues of the day was a sound one. Dignified

* Presidential address delivered before the American Political Science Association at its thirty-sixth annual meeting, Chicago, Illinois, December 28, 1940.

presidents of the American Political Science Association (and if they were not dignified, how did they come to be elected to that high office?) should concern themselves with truths eternal, not with the fustian and the rattle of commonplace, partisan squabbles.

If the topic of the present discourse thus breaks with precedent, the justification must be that the year under consideration has brought forth most unusual, even world-shattering, events. These events constitute a challenge to every citizen, particularly to every political scientist. We of the Association could not escape them if we would. Literally, they have forced themselves into the center of our thought by day and by night, thrusting other matters aside; nor is it too much to say that they have profoundly modified our basic conceptions during the critical later half of this fateful twelvemonth. Indeed one might inquire: What else is there to talk about so long as we confront this riddle of the political Sphinx under the injunction: "Answer or die"? Admitted that the topic of this address is too vast for adequate discussion in one short address. Obviously no one can now speak with finality upon it: the events which 1940 brought forth are too close to us. In their leisurely fashion, historians will be engaged for the next half-century accounting for some of these events, the downfall of the Third French Republic for example. Political scientists, however, live for the most part in the here and now. Consequently, to the limit of their powers, they are obliged to attempt a working interpretation of world conditions. Furthermore, both as citizens and as teachers they must act upon that interpretation.

II

One query remains in my mind regarding the title chosen for this address; hence the ironic quotation marks surrounding the words "World Revolution."[1] Usage stemming from authorities so diverse as Rauschning and Roosevelt may justify the use of that phrase.[2] On the other hand, revolt must be successful before it becomes revolution, whereas so far—thanks to Britain's sturdy re-

[1] Edmund Burke might have raised the same question, but did not, when in 1790 he published his famous *Reflections on the Revolution in France.* If a definition of revolution in the political sense be desired, the following is hazarded: A political revolution is the sudden overthrow of one type of government and the setting up of a distinctly different type in its place, by violence or the threat of violence coming largely from internal sources.

[2] H. Rauschning, *The Revolution of Nihilism; Warning to the West* (1939); Franklin D. Roosevelt's speech, July 19, 1940, quoted later in the text.

sistance—Herr Hitler is not master of Europe. It is true that he has overthrown eight or nine governments; but the violence (or threat of violence) which brought about their downfall was applied from the outside, rather than from the inside. If the external pressure which has created the new régimes in the occupied territory were relaxed, in all probability they would collapse promptly. Certainly then it may be questioned whether so good a word as "revolution" deserves the ignoble use to which it is now being put by Nazi apologists. To be sure, there was a revolution, perhaps two revolutions, in Russia during the single year 1917. The upsets that occurred in Italy in 1922 and in Germany in 1933 also probably deserve that designation. But so far as Germany and Italy are now concerned, the process upon which they are engaged is not so much a revolution as a war of conquest pure and simple, accompanied by demands for the surrender and break-up of empires, for the annexation of weaker states, for the seizure not only of territory but of private property as well, for the abolition of all the political rights of citizens of the vanquished countries—in short, demands for *Lebensraum*, demands utterly without fixed limits, political or economic. That process, known as "total war," is veneered only to the thinnest possible degree by revolutionary theory; in particular, the use of the word "socialist" as part of the title of the dominant one-party system in the Third Reich is utterly misleading. Moreover, this alleged "world revolution" is in no sense new or forward-looking; on the contrary, it harks back to the most primitive of all political conceptions, dominance supported by the *Führerprinzip* inside, domination by violence everywhere outside. "It is a revolution," as President Franklin D. Roosevelt has so aptly characterized it, "imposed by force of arms which threatens all men everywhere. It is a revolution which proposes not to set men free but to reduce them to slavery." In the last analysis, choice of terms is left to the members of this Association. Call what is going on in Europe "world revolution" if you will, but remember that it presents all the outward aspects of a gigantic plundering expedition, perhaps the most vicious and sordid that has been attempted in the history of mankind.

III

With regard to the method of treating a topic which is so highly controversial, you must not anticipate from me that cool detach-

ment usually expected from, but not always exhibited by, those who are called scientists. No matter how judicial we may seek to be in dealing with absolutism, it is worth recalling that many political philosophers of the past have reached adverse conclusions on the subject. How could it have been otherwise? Being not only philosophers, hence attached to the principles of truth, justice, and humanity, but also men and citizens of strong, independent convictions, it was inevitable that they should mingle sharp sarcasm with blunt condemnation in their reflections upon despotism. Plato, poet as well as philosopher, was outspoken, even vitriolic, in his references to the petty tyrants who frequently dominated Greek city states. To him, they were the most depraved of men, moral as well as political perverts; the cities under their control he considered the most miserable of cities. Catholic in his treatment of the subject, Aristotle was perhaps less caustic; nevertheless his characterization of the baser type of tyrant was factual and complete, also because of its restraint somewhat more effective.[3] Machiavelli, who was a realist rather than a philosopher, is popularly considered to have been an apologist for despotism. And indeed many pages of *The Prince*, uncritically read, lend themselves to such an interpretation. It must not be forgotten, however, that the author of that brief work, immortal as it is and deserves to be, had been a devoted servant of the Republic of Florence and was at heart a sincere republican. At the time, Machiavelli found himself unemployed because of the return to power of the Medicean tyrants. To state the matter frankly, then, *The Prince* is a somewhat servile application for a job under the new régime in Florence, therefore unlikely to include anything displeasing to the magnificent Lorenzo or to his ilk. Nevertheless, Machiavelli does not hesitate to condemn those "who have obtained a principality by wickedness."

[3] Aristotle's great tolerance is revealed in his dictum (*The Politics*, translated by William Ellis, Bk. III, ch. ix) that "in all disputes upon government each party says something that is just." Unfortunately, however, this provides neither for quantitative measurement nor for consideration of the negative as well as of the positive factor involved. To illustrate: we must all repeat with Aristotle the phrase "something that is just," but the question immediately rises: How much of what a given party to any dispute upon government says is just? The next question, involving the negative factor—certainly a much more pertinent one in the case of a party arguing in favor of dictatorship—must be: How much of what it says is unjust? My own estimate based upon long reading of the apologists for totalitarianism would be that they say less than five per cent that is just and more than ninety-five per cent —perhaps exactly 99 44/100—that is unjust.

In words strongly suggestive of the methods of contemporary dictators, he concludes his discussion of these unsavory personages as follows: "It cannot be called talent to slay fellow-citizens, to deceive friends, to be without faith, without mercy, without religion: such methods may gain empire but not glory."

Prior to the advent of modern democracy, no political thinker was more bitter in his condemnation of despotism than Montesquieu. "We cannot mention these monstrous governments without horror," he observes—a sentiment which finds expression in every passage he devotes to the subject. "The principle of despotic government is subject to continual corruption, because it is even in its nature corrupt. . . . A government cannot be unjust without having hands to exercise its injustice. Now it is impossible but that those hands will be grasping for themselves. The embezzling of the public money is therefore natural in despotic states."[4] Thus Montesquieu saw clearly both the injustice and the corruption, which no matter how they try to conceal them, are as characteristic of contemporary dictatorships as of the "monstrous governments" he had in mind.

What these citations prove (and they might have been multiplied indefinitely)[5] is that philosophic detachment does not go the length

[4] *The Spirit of the Laws*, Bk. III, ch. 10; Bk. VIII, ch. 10; Bk. V, ch. 15. Two other passages are also pertinent: "A despotic government does all the mischief to itself that could be committed by a cruel enemy, whose arms it were unable to resist" (Bk. IX, ch. 4); and "when the savages of Louisiana are desirous of fruit, they cut down the tree to the root, and gather the fruit. This is an emblem of despotic government." These last two sentences constitute the whole of Chapter 13, Book V, which is one of the shortest in a great book of mercifully short chapters. Doubtless Montesquieu made it thus brief for purposes of emphasis. What he said therein came true for France after the fall of Napoleon. It will be true of Germany after the fall of Hitler.

[5] Rousseau's writing, for example, is one long protest against despotism. Characteristic is the following passage from *The Origin of Inequality:* "It is from the midst of . . . disorder and . . . revolutions, that despotism, gradually raising up its hideous head and devouring everything that remained sound and untainted in any part of the State, would at length trample on both the laws and the people, and establish itself on the ruins of the republic. . . . At length the monster would swallow up everything, and the people would no longer have either chiefs or laws, but only tyrants. From this moment there would be no question of virtue or morality; for despotism *cui ex honesto nulla est spes*, wherever it prevails, admits no other master; it no sooner speaks than probity and duty lose their weight and blind obedience is the only virtue which slaves can still practice." And Locke, in his *Second Treatise of Government*, ch. xv, writes: "despotical power . . . is a power which neither Nature gives, . . . nor compact can convey. . . . Absolute dominion, however placed, is so far from being one kind of civil society that it is as inconsistent with it as slavery is with property."

of ignoring or minimizing the defects of any type of government, despotism included. No matter how successful it may be temporarily, no matter how weak or unsuccessful its opponents, the assumption clearly is that there are other factors which must be taken into account. Truth, justice, humane conduct, may be "imponderables," but they weigh heavily in the scales of philosophic appraisal. One of the grossest errors committed by the dictators of today is their open and blatant contempt for these imponderables. As a result, no one can trust them, neither friends nor enemies, neither their citizens nor foreigners; least of all can they trust each other. They even ignore Machiavelli's sage and cynical advice that "while it is unnecessary for a prince to have all the good qualities I have enumerated—it is very necessary to appear to have them."[6]

IV

How, then, have the events of 1940, particularly the military successes of Hitler, affected popular thinking on contemporary despotism? Manifestly in two principal ways: first, estimates of the strength of democratic institutions have been weakened; second, estimates of the power of dictatorships have been exaggerated. As to the former, we can scarcely plead surprise. The defects of democracy, both economic and political, have long been under consideration by American political scientists. Indeed, in all probability we overemphasized them. Yet there was enough to give us pause. To illustrate, what must Montesquieu (now, of course, looking down from the battlements of heaven upon this assemblage) think of his American children? With approbation, to be sure, in so far as we accepted his limited principle of separation of powers, of check and balance. With apprehension, certainly, because of the extremes to which we have carried that principle. For not only did we incorporate it in our federal government; we employed it also in state and municipal governments, to such an extent indeed that often the boss and his machine became necessary to make the latter loose-jointed structures work. Our federal system introduced another area of friction; today forty-eight state governments check and balance the national government. In party politics alone have we shown a measure of restraint; at least we avoided the multi-party systems formerly characteristic of continental Europe.

[6] *The Prince*, ch. XVIII. The good qualities referred to are mercy, faithfulness, humane feeling, uprightness, and religion.

Taking American political structures as a whole, it is not at all strange that they operate with "celerity contempered by cunctation," as Governor Pennypacker quaintly phrased it, emphasis normally being placed on "cunctation" rather than on "celerity."

In the economic and social life of the country, a development roughly similar to that of separation of powers, check and balance, has been carried to an even greater extreme. Although class antagonism, class struggle, have been phrases of ill-repute among us, Madison frankly recognized their existence in the pages of *The Federalist*.[7] That they have persisted ever since, sometimes flaring up in outbreaks of violence, every reader of American history is aware. Regional differences have always been with us. Regions themselves are more numerous than most of us are inclined to admit.[8] Racial antagonisms also persist. Abolition of the privilege of slavery cost us a devastating civil war. But the Negro problem survived abolition, bringing forth the black disgrace of lynching which, fortunately, now seems to be disappearing. What Madison called the "moneyed" interest has possessed a high degree of cohesiveness from the start; nevertheless it found itself in a minority politically in 1932, 1936, and 1940. The increasingly sharp confrontation between "haves" and "have nots" which characterized the campaigns of these years is far from being resolved. Recently the forces of organized labor have permitted themselves resort to every measure short of war—civil war, that is—as between the American Federation of Labor and the Congress of Industrial Organizations. Of religious sects, the country boasts some two hundred and thirteen sufficiently large to be counted for census purposes, to say nothing of innumerable sectlets as noisy as they are insignificant. With the intent, not of building a Tower of Babel, but rather of acquiring canals, railroads, and skyscrapers as rapidly as possible, we held our doors open to floods of immigrants from their first coming more than a century ago to the passage of the quota acts of the 1920's.

[7] "The most common and durable source of factions has been the various and unequal distribution of property. . . . A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views." *The Federalist*, No. X (Nov. 23, 1787).

[8] According to an eminent economic geographer, the continent has no fewer than forty-five "economic, or human-use, regions," of which all except seven are wholly or partly under the sovereignty of the United States. Some of these regions are larger than Germany, some as small as Belgium. Cf. J. Russell Smith and M. Ogden Phillips, *North America: Its People and Resources* (1940 ed.)

The canals, railroads, and skyscrapers were delivered promptly, but during the First World War disloyal activities carried on by minorities among the foreign-born embarrassed us seriously. Thanks to Herr Hitler's numerous and breath-taking improvements in the fine art of Fifth Columnism, we are likely to be much more seriously embarrassed by similar alien activities if we are drawn into the present conflict. Today Communists and Bundists, few in number but potent in capacities for mischief, attempt to stir up dissension among us in the hope that it may redound to the benefit of their respective fatherlands. Closely related to this difficulty, the last decade has been prolific of demagogues: Huey Long, Father Coughlin, Grandfather Townsend, and innumerable lesser figures of that ilk.

As if check and balance between groups, political, economic, and social, were not enough, we must cope also with the whimsies and aberrations of some fifty million voters, each a "sovereign." Many of our "sovereigns" are politically illiterate, but they are none the less cocksure on public issues because of their lack of information. Among this element, propaganda frequently makes intoxicated lions out of meek guinea-pigs. Nearly all our "sovereigns" are largely engrossed with their private interests; paraphrasing Shaw's bitter aphorism, we may say that to them, food, clothing, sex, and other forms of recreation come first; religion is a remote second; the interests of organized society as a whole are nowhere. Considering these innumerable divisions and antagonisms of American life, it is evident that while in practice our national motto, *E Pluribus Unum*, leaves much to be desired so far as "*Unum*" is concerned, it is wildly exaggerated on the side of "*Pluribus.*"

Contrasted with streamlined dictatorships—especially streamlined on the military side—how inchoate, contradictory, and soft our American democracy appears to be! To build a military machine out of such disparate materials is a task comparable to the building of a new firmament over the earth. Yet such a machine was built, first in 1860 and again in 1917: if need be, it can be built again. From a civilian angle, no matter how great the conflicts in our American life, that life is the *milieu* from which we sprang; it is the basic material upon which we as political scientists must work professionally. Let us give thanks that while it has the defects of its qualities, these same qualities are of priceless value. Nowhere upon earth is there so great a reservoir of individual energy, of

individual skill. Instead of one *Führer* surrounded by a small coterie of "big shots," we have scores of thousands of leaders, great and small, in every line of human adventure. Nowhere upon earth is there so great a reservoir of good will, of belief in progress, of hope for the future. With all its defects, America possesses both the energy and the idealism which may bring forth a life worthy of free men, upon which may be erected a truly great civilization. Even if totalitarianism conquers the world, it can offer humanity nothing more than the rule of force, with hundreds of millions of men reduced to slavery, with civilization dying of paralysis as the wills of individuals are broken and subjugated to the sway of the omnipotent state.

As noted above, the second marked consequence of the events of 1940 has been a considerably enhanced estimate of the strength of dictatorships. It would be fatal to underestimate that strength. We are not likely to do so now; it would be far better with us if we had recognized it earlier, as did President Franklin D. Roosevelt in his Quarantine speech at Chicago on October 5, 1937. On the other hand, perhaps we rate too highly certain phases of the power of Hitler, Mussolini, and their confederates. Thus, in the case of the *Führer's* power, it is clearly based upon the rigid subjection for seven years of all German interests to the sole end of military might. Immense exactions were demanded of the people in achieving this end; the broad liberties granted them by the Weimar Constitution were ruthlessly destroyed; propaganda and terror became major instruments of policy. Worst of all, fiendish injustices were practised against Jews, Socialists, Liberals, Democrats, pacifists, and others. Nevertheless, the end—the creation of stark overwhelming and military power—was attained, power sufficient not only to wipe out half a dozen small neighbor nations but also to overwhelm France in a campaign of forty-three days. Candor compels the recognition that behind Nazi Germany's conquests there were other motives of slightly higher character than mere lust for power and booty. Certain elements of the population were moved by nationalist feeling; others by belief in some sort of "world revolution." Nothing succeeds like success, a maxim particularly true of military success. Victory so far has no doubt strengthened Hitler's popular following, adding for the time being to the number of those who support him voluntarily or only *der Noth gehorchend, nicht dem eig'nen Trieb.* Whatever the motives of the "heiling" con-

tingent, the fact remains that a colossus has been erected so mighty that it threatens to bestride the narrow world. Now it is of the nature of such power that it cannot be reasoned with; appeasement merely whets its appetite for more. There is only *one* answer to it, the answer given during the First World War by a former President of this Association, then President of the United States, in ringing words that may soon become our rallying-cry again:

"Germany has once more said that force, and force alone, shall decide whether Justice and Peace shall reign in the affairs of men, whether Right as America conceives it, or Dominion as she conceives it, shall determine the Destinies of Mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, the righteous and triumphant Force which shall make Right the law of the World, and cast every selfish dominion down in the dust."[9]

V

Prudence dictates, however, that for the time being we must direct our attention to the strength of dictatorship rather than to its weaknesses. Not until Hitler and his associates have been overthrown will this consideration lose its force. On the other hand, it is worth while even now to examine some of the defects of the dictatorial establishments. Powerful as they appear to be militarily, there are, of course, limits to that power. To regard Nazi Germany, for example, as both omnipotent and invulnerable is to be guilty of gross error, an error that can lead only to defeatism on our part. Further, we must recognize clearly that there are dictatorships and dictatorships. Of the lot, Hitler's Germany alone gives the impression of any real vision, determination, and fighting spirit; there is something of the leonine as well as of the lupine about it. In the international menagerie, Russia and Italy are jackals, second and third class jackals at that. If the *Führer* wins the present war, both are doomed to become his vassals. As for Italian soldiers, the chief distinction which they won during the First World War was that of being champion long-distance runners—witness Caporetto. Three years ago they renewed their claim to this distinction at Guadalajara in Spain; and only last month in Greece, although hampered by snow and mud on mountain roads, they nevertheless displayed conspicuous celerity in reaching—and distancing—their

[9] Liberty Loan Address by Woodrow Wilson, Baltimore, Md., Apr. 6, 1918.

rear-guard outposts. It is quite in keeping with the national character, therefore, that the Italian navy should have been built for speed above all else. On the other hand, Russian soldiers once knew how to fight. Napoleon Bonaparte found that out; they proved it in the Crimean War, and again during the First World War. Since September of last year, however, they have been engaged largely in mopping up the crumbs that fell from the *Führer's* table. In the disastrous, even if finally successful, campaign waged against diminutive Finland, the Red Army exhibited a stupidity, inefficiency, and lack of spirit that reflect discredit upon the whole Communist régime. No one doubts now—probably not even Joseph Stalin himself—that in the event of a Nazi victory in the west the Russian bear will soon become Hitler's meat. As for the ambitious and somewhat conceited Japanese, they are lucky in their geographical isolation, also in the fact that those who might set a limit to their designs are busy elsewhere for the time being. Even so, with their resources strained to the utmost after three years of frantic effort, they have not been lucky enough to overcome the vast inchoate Chinese people.

Various conclusions may be drawn from the foregoing. First, Hitler is the keystone of the arch of despotism. If Germany had remained under the Weimar Constitution, it is not unlikely that both Mussolini and Stalin would have been on their way out long before this. Even now, were Hitlerism to be overthrown, it is probable that they would soon cease to be menaces of any real consequence. The same is true of Japan, which turned totalitarian last July—as if that could increase its capacity for mischief. Second although morally as guilty as Germany and many times more contemptible, both Russia and Italy are accomplices, not the principal, in the present assault upon Western civilization. Hence, as opportunity offers, every effort should be made, every possible bribe be offered, to detach them from their alliance with Hitler. Recent events indicate that Italy in particular may soon be softened up sufficiently by bombing raids to induce her to betray the Axis—that famous "band of steal." Third, since Nazi Germany is the sole really effective totalitarian state, its overthrow should be the one great desideratum of democratic world politics. Nothing should be allowed to obscure that end. It was the tragic, nay criminal, blunder of Neville Chamberlain that he did not perceive this fact, that he believed in the possibility of gaining concessions from the

insatiable Hitler by a policy of appeasement. For Britain, the consequences of this blunder have been tragic beyond all reckoning. Fortunately, in Winston Churchill a prime minister has been found who knows how to keep his eye on the ball. Let us hope that the President of the United States will follow his example. Incredible as it may seem under such conditions, there are still said to be some appeasers on this side of the Atlantic, gentlemen willing to make a neat little loan—five billion dollars is the figure most frequently mentioned—to Germany as soon as her victory over Europe is complete. This, it is assumed, will soften any ill-feeling Hitler might cherish against us because of our earlier mistaken sympathies for the Allies. Also, poor fellow, he would need the money to buy our goods wherewith to repair the ravages of war and to feed the starving German people. Of course, once the loan were made, we would be too polite to inquire how much of it was spent, not for butter but for guns, the latter to be used against the United States. If political scientists cannot scotch so obviously ruinous a policy, one may well despair of the future of our profession. What is far worse, one would have to despair of the future of free government.

The essential characteristic of totalitarian policy, then, is to subordinate everything to the creation of maximum military power. Behind the imposing façade of armed might which they are thus able to exhibit to the outside world there are abundant evidences of decay and disintegration. Taking Nazi Germany as distinctly the best organized of these régimes, the assertion is widely heralded by Dr. Goebbels and his propaganda machine that every worker in that country has a job. With their free trade unions smashed, these workers not only have jobs; they also have the privilege of working longer hours at lower real wages than ever before. A large proportion of them are engaged in making munitions; many others have been drafted for forced labor and for military service. As a result of these conditions, food production has fallen off sharply within the Third Reich; meanwhile the British navy has clamped down hard on shipments from overseas. Except for soldiers and party workers, under-nourishment is universal; the diseases that follow in its wake are rapidly gaining ground and output per worker has reached new lows. Latterly, the semi-famine conditions endured by the German laboring class have been made bearable only by the theft of food from conquered territories; a large-scale slaughter of cattle and poultry is going on in

Denmark, Norway, and the Low Countries. The German army and party members must be fed well; German workers may fare somewhat better than the serfs imported from Poland and Czechoslovakia, but otherwise stark famine impends throughout the "New Europe" that Hitler is so hastily throwing together.

Of course, as we all know—having been told it so many times by *Facts In Review*—the Nazis are terribly efficient. "Terribly" is the right word in this connection, no one can doubt it; but one must doubt whether efficiency of their sort has any real foundation or can be kept up for any considerable period of time without constantly repeated conquests. What they are now practising, as the Germans themselves used to say in an earlier and saner day, is simply *Raubbau*—that is, an economy that grasps at the largest immediate returns, meanwhile destroying future sources of production.[10] Germany's show of overwhelming military might rests, therefore, upon a rotten foundation. If her forces in the field should receive a single serious set-back, it is probable that the whole crazy jerry-built structure at home would begin to disintegrate. The ensuing débâcle is likely to be far more rapid and complete than at the end of the First World War. All of which emphasizes the duty resting upon us to aid to the utmost in the final thrust that will send Hitlerism crashing to ruin.

VI

Whatever may be said as to its genesis, background, or probable duration, the existence of superior military power, here and now, is a large and massive fact. To refer to it scornfully as mere physical strength, pure brute force, is futile. For it may be set down as one of the oldest truisms of politics that superior physical force, ruthlessly wielded, overcomes, for the time being at least, all opposition, whether by physical or other forces, or by both of these combined. The careers of the great conquerors of history—of Alexander, of Julius Caesar, of Attila, of Genghis Khan, of Tamerlane, of Napoleon Bonaparte—illustrate this truism. Somewhat quizzically, Rousseau stated it as follows: "To yield to force is an act of necessity, not of will—at the most, an act of prudence. . . . 'Obey the powers that be.' If this means yield to force, it is a good pre-

[10] As Peter F. Drucker trenchantly put it, the aim of Nazi economic policy was "to convert the enormous German inferiority in man power and resources into at least temporary superiority." See his article, "War Against the Middle Classes" in the *Saturday Evening Post*, Aug. 10, 1940.

cept, but superfluous: I can answer for its never being violated."[11]

Superfluous the precept may be, as Rousseau declared. In carrying it further, one runs the risk of being accused of "elucidating the obvious." Even that risk is justified, however, when, after abundant elucidation, large numbers of otherwise intelligent persons refuse to take the steps made inescapable by that which is demonstrably obvious. Turning to a consideration of the situation which confronts us, it makes no difference for the time being—although it may in the long run—that the chief wielder of superior physical force is fanatical, criminal, even contemptible, in most of his personal qualities. In all these respects he resembles other conquerors, who, like all large-scale butchers, have been of distinctly sub-human type. Further, it makes no difference for the time being if the form of government or the type of social system for which the wielder of superior power fights is abhorrent morally, repugnant to deep human instincts, and diametrically opposed to the long-run interests of the race. Like the highwayman, he has the gun and the drop on his victim. The latter may count himself lucky if he is allowed to hand over his purse and to escape with anything less than the loss of his life.

It is not meant to be implied that Herr Hitler is a highwayman, nothing more. Even if that were his proper and exclusive rating, however, with superior physical force at his disposal, he would have been able to overcome the seven small and one great neighbor nations now at his mercy. The fact that other than purely military elements contributed to his victories, such as German science and technology, centralized administration, the one-party system, propaganda, terror, and the famous Nazi ideology, makes him an even greater menace to civilization.

Conversely, no matter what the virtues and advantages of a free and peaceful nation—wealth, high standards of living, general diffusion of intelligence, respect for human rights—it must go down before superior physical force, ruthlessly wielded. To several of the nations so far overthrown by Nazi invaders, for example, especially to Austria, Czechoslovakia, Denmark, Norway, Belgium, Holland, and France, most of us would unhesitatingly have as-

[11] *Social Contract*, ch. III. Rousseau continues as follows: "As soon as it is possible to disobey [such power] with impunity, disobedience is legitimate; and the strongest being always in the right, the only thing that matters is to act so as to become the strongest."

signed a higher cultural rating than to the Third Reich. With the exception of France, they were small; moreover, all of these small countries except Czechoslovakia were desperately afraid and hence unwilling to enter into defensive alliances until it was too late. Britain still stands firm, but it is not her democracy, her liberty, her respect for law and justice, that protect her; it is the British navy and air force. If we have so far remained unscathed, let us not attribute that good fortune to our free government, to our wealth, our intelligence and our civic virtues. Germany, Italy, and Japan are far away, although, paraphrasing Max Lerner, not so far as you think. Also the *Führer*, the *Duce*, and Prince Konoye are excessively busy for the time being in their own neighborhoods.

No; there is only one way open to a nation which may still have to confront a hostile *force majeure*, namely, to create a still greater force wherewith to overwhelm the aggressor. If that is not our situation today, it may well become our situation tomorrow. Only a decisive British victory and the complete overthrow of Hitler can save us from such a necessity. A stalemate in Europe will not suffice; at best, it could give us only a further breathing spell. If Britain falls, we stand alone against a possible, nay almost a certain, combination of aggressive dictator powers, flushed with victory, replete with the spoils of conquest.

In the latter event, Germany, Italy, and Japan may require some time to bind up their wounds, to organize the slave governments and the slave populations of the countries which have fallen into their hands, before they will be able to make the necessary preparation for a descent upon America. If so, we should know how to utilize the interval accorded us. The major effort of our government and people must be concentrated upon mass production of armament for warfare on land and sea and in the air. If we succeed in that effort, the dictator countries will moderate their threats and reconsider the economic demands upon us which they are now supposed to be meditating; they may even abstain from any direct action against the Monroe Doctrine. So far, wisely or not, we have kept out of the war in Europe; but only by the creation of an armed power sufficient to make attack upon us downright foolhardy can we keep war out of the Americas. In the meantime, let us give Britain—the first line of defense for our democracy—every possible aid. Above all things, let us give whatever is needed to defeat Hitler *promptly*. To be too late with our aid would be an irrepar-

able, perhaps a fatal, blunder. Political scientists must be realists. As such, we know that if Britain is crushed, the only kind of peace we can hope for will be an armed peace—and that probably of short duration.

It may be that, in spite of all our efforts to increase our military strength, Germany and Italy, perhaps with the aid of Japan, may think the gamble of an attack upon the Western Hemisphere worth trying. Certainly the loot of the Americas which they could divide among themselves in case of victory would be a magnificent incentive. If there is to be such an attack upon us, it is manifest that a policy of super-armament is the only alternative to abject surrender.

Combined attack by dictator powers upon America may result in our defeat or in our victory. In the former event, democracy will be dead upon this planet for a period of unpredictable length. Even so, let us hope that we might inflict wounds upon despotic aggressors from which they would not soon recover. This is not set down in malice; rather it would appear to be the only hope of future resurrection for our political principles. If democracy fighting for its life proves to be spineless and cowardly, why should any future generation wish to revive it? On the other hand, if it goes down fighting gloriously to the last ditch, it will not lose the power to fire the hearts of some future generation. Once more, as at the end of the eighteenth century, a race of rebels may be born of the sons of men.

VII

Given sufficient armament and as good a fight as our cause warrants, the result may be a victory. In that event—the happiest we can envisage—democracy will be safe in its last citadel, the United States. Still we could not afford to disarm so long as despotism remained dominant in other continents. It would still be a question of "we or they," as Hamilton F. Armstrong expressed it, with the possibility that the struggle might be renewed at any time. A future so shadowed in its brightest aspect does not permit us to maintain the happy-go-lucky, tolerant attitude of the past; rather, we should adopt Voltaire's famous battle cry, *écrasez l'infame*, for our device. In this respect the dictatorships have been far more consistent than the democracies. Never for a moment have Herr Hitler and Signor Mussolini concealed their determination to wipe out democracy, root and branch. Lesser Nazis and Fascists have poured forth a

constant stream of insult in the billingsgate which reveals their scurrilous mentality. They shriek *ad infinitum, ad nauseam,* that democracy is "bankrupt," "decadent," "plutocratic," "Jewish," a "fake," a "fraud," the "foul and filthy avenue to Communism," a "used-up system," a "has-been, selfish plutocratism," an "old worn-out slut."[12] We need not retort in kind, but we must coldly resolve to work unceasingly for the destruction of the whole vile totalitarian establishment. No doubt that will come to pass in the fullness of time, but it will be achieved much sooner if democrats everywhere organize and fight against all contemporary absolutisms. Meanwhile they may comfort themselves with the historic remark of a famous British statesman who, after listening to an opponent present his plan, said succinctly: "Sir, hell itself cannot be administered upon principles such as yours."

From the *Führer's* point of view, however, he is thoroughly justified in his attitude toward free government: so long as a single great democratic power survives, he cannot rest secure in his conquests. It is high time that we apply a similar logic to our own situation. Let us recognize the fact that so long as any great power remains despotic, we shall never have real peace but only an armed peace. Our policy must therefore be frank and determined opposition to all dictatorships everywhere: in war, we must give them two blows to their one until they have had enough; in peace, we must employ against them every policy short of war; particularly in economic dealings with them, let us be guided by the old Scotch adage, implicit if not explicit in Adam Smith, "nothing for nothing and damn little for sixpence."

VIII

"But, but, my dear sir," rises some anguished Mr. Caspar Milquetoast to object, "do you not know that a democracy which arms itself is doomed to lose its democracy?" The argument, if it can be called such, is constantly used in other connections by honorable gentlemen who know little of history and less about the specific causes of the rise of dictatorship. Thus we were told recently that if the anti-third term tradition broke down, totalitarianism would be our lot immediately and forever. Similar dire predictions are frequently made consequent upon the success of any candidate or policy the orator may happen to dislike. Thus on August 30, 1940, Senator Burton K. Wheeler of Montana, speaking in oppo-

[12] *New Leader,* July 20, 1940.

sition to conscription, rather melodramatically declared: "If you pass this bill, you slit the throat of the last democracy still living; you accord to Hitler his greatest and cheapest victory to date. On the headstone of American democracy he will inscribe—'Here lies the foremost victim of the war of nerves.'"[13]

In its most general aspect, the assertion under consideration may be stated as follows: "If you do this, democracy is doomed." It is then simply a species of that famous, and dubious, genus: "History teaches us thus and so." Any such prophecy regarding the early demise of democracy may be approached from two angles. If, first, it be presented simply as a generalization, allegedly based upon history, the facts of all recorded time would have to be searched, equal consideration given to those instances supporting it and to those conflicting with it. As a matter of logic, discovery of one or more instances of the latter sort would knock any such generalization into a cocked hat.

Second, the assertion may be made simply as a prediction, partly resting upon historical citation, but more largely based upon new conditions, at present prevalent, which are deemed certain to bring about its fulfillment. Now the statement that "war or preparation for war at the present time means the downfall of democracy" is obviously of this character. Since its historical support is weak, those who make it are obligated to point out convincingly the new conditions (perhaps changes in political organization, in the economic system, or in the art of warfare), which may make it come true nevertheless. This they never do; *ipse dixits* are more to their taste. As a matter of fact, they cannot do it; at best, they can only establish some degree of probability. Together with the rest of us, these would-be prophets must wait for the verdict of events to learn how much or how little of their prophecy was true.

Yet, in spite of these obvious reasons for caution, glib politicians

[13] A statement given out by Mr. Wendell L. Willkie on August 29 last is of the same character, but it deftly avoids the verbal pyrotechnics of Senator Wheeler. The passage in point is as follows: "The 'conscription of wealth' is a phrase without meaning. In event of emergency, the industries and assets of this country are at the disposal of the people. Let us not create that emergency before it actually exists by setting up a potential dictatorship." Using the same assertion in his campaign speech at Akron, Ohio, September 5 last, Mr. Norman Thomas at least deserves credit for setting a more or less definite time limit for the period of democracy's obscuration, viz.: "Let us get involved in war, and democracy's last chance to develop in orderly fashion and learn to solve its own problems will be gone, not to return in our generation or our children's."

constantly rush into print predicting the downfall of democracy on all sorts of grounds. Of course such assertions are not argument; rather they serve to conceal the absence of argument, which is made up for by an appeal to popular anxiety. The latter will be recognized as a rather commonplace propagandist device—one, by the way, in which Herr Hitler has proved himself the world's greatest expert.[14]

Clearly, therefore, assertions that "democracy is doomed if . . ." will not stand analysis; indeed they are much too "iffy" to stand up under criticism. Nevertheless, their constant repetition contributes to defeatism, and in time of crisis may prove disastrous. Political scientists, and historians as well, should prepare themselves to challenge these lightly-made prophecies of destruction. In particular, demagogical orators who predict the downfall of democracy if it goes to war, or even if it introduces conscription, should be brought to book publicly as to their actual knowledge of the causes of totalitarianism. A few exposures of this sort should discourage senators and other honorable gentlemen who raise a bogy in order to conceal their ignorance.

Let us for a moment consider the assertion that democracy and war are incompatible. As a generalization drawn from history, there is precious little support for it; indeed, numerous instances to the contrary may be cited. Since the Conquest of 1066, Britain has engaged in innumerable wars; nevertheless it became "a land of settled government, . . . Where Freedom slowly broadens down from precedent to precedent." From the foundation of their federation in 1291 to the end of the Napoleonic struggle, the Swiss fought almost continuously, both in foreign and in civil wars, yet they developed the purest democracy the world has ever known.[15] In our own history, the Revolutionary War ushered out monarchy and opened the way for a federal republic. Nor did the Civil War permanently weaken the democratic principle in the United States; on the contrary, it set free nearly four million slaves. Following our participation in the First World War, the chief impulse of the American people, expressed by the Hardingesque slogan, "Back to Normalcy," was applied not only in domestic affairs, where it

[14] See *Propaganda Analysis*, Vol. III, No. 10 (Aug. 1, 1940).

[15] The Swiss federal constitution of 1848 provides that "every Swiss is bound to perform military service." Several referendum votes have sustained and strengthened this provision. Thus the present high degree of preparedness of the little Alpine Republic rests upon the most democratic of bases.

worked with some success for the time being, but also, tragically enough, in our foreign relations, where it kept us out of the League of Nations, thus laying the foundation for all the woes that now afflict the world.

In the light of history, then, the assertion that any democracy engaging in war must forfeit its democratic institutions is far from convincing. In particular, it leaves out of account the effect of victory or defeat. One would be safer in asserting that a government of any type which leads its people to a military débâcle is due for drastic overhauling. This, however, is as true of authoritarian as of democratic governments. Defeat of France in 1870 resulted in the overthrow of Napoleon the Little and the establishment of the Third Republic. Defeat of Hohenzollern Germany in the First World War led to the establishment of the Weimar Republic; defeat of Austria and Russia, to the overthrow of the Hapsburg and Romanoff dynasties. If Germany and Italy find themselves on the losing side at the end of the present war, it is altogether likely that Hitler and Mussolini will become dictators in exile—that is, assuming that they are lucky enough to escape with their lives. Totalitarian governments as well as democracies, therefore, run risks when they engage in war. Indeed, the risks of the former are greater, for with one severe military setback all latent internal strains and stresses make themselves apparent. Democracies, slow to wrath and slow to arm themselves, nevertheless go to war on the basis of a stern mass determination, and should therefore develop greater staying power. It may be conceded that a self-governing people which decides to take this fateful step must temporarily centralize power, make heavy sacrifices, submit to sterner discipline. To assert that these measures mean the complete destruction of democratic institutions, that they mean the advent of fascism,[16] is absurd. Indeed, if supported enthusiastically and steadfastly, as in Great Britain at present, by the popular will, by sacrifice and discipline—that is, by self-sacrifice and self-discipline—they deserve to be ranked among the finest manifestations of the democratic spirit.

Overlooking its lack of historic verification, let us nevertheless assume for the moment that the assertion under consideration is true. To make the assumption specific, to bring it as closely home

[16] It will be recalled that during the First World War the corresponding term was "Prussianization."

as possible, we may express it as follows: The United States goes to war as a democracy; in consequence, it suffers the immediate and complete loss of its democratic liberties. Still the words "immediate and complete" may be queried. Great Britain, for example, has now been at grips desperately with the greatest military menace in its history for more than fifteen months. Far-reaching controls over persons and property have been enacted by the regular processes of legislation. Some hundreds of leading fascist agitators have been withdrawn from the public advocacy of anti-British and pro-foreign doctrines, it is true, but Parliament still sits; after full debate therein, ministerial change is possible and one has already been made; pacifists are still allowed to make public protests, and, believe it or not, the London *Daily Worker* is still being printed. Whatever the future may hold forth, it is patently absurd to say that democratic institutions have been abandoned by the British. Certainly the country has not gone fascist to an extent even remotely approximating Nazi Germany, where press and radio are controlled to the last word by oleaginous Dr. Goebbels, where the subservient Reichstag seldom meets, and then only to function as a sounding board for one of Herr Hitler's speeches.

IX

But let us make still another concession to the assertion under consideration. Grant that the United States, a democracy, goes to war; grant, further, that in consequence it loses its democratic character immediately and completely, becoming a full-fledged fascist state. Such a development, as the case of Britain indicates, is highly unlikely. Even if it were to take place, however, *one might still vastly prefer to live under a totalitarianism of our own and dominated by an American than to fall a prey, as France has done, to the German Führer and his type of fascism,* with its merciless soldiery, its brown and black shirts, its Gestapo, its concentration camps, its torturers and sadists. If war comes, we should strive for a clear-cut victory won by a democratic American government. Personally, however, I should consider a victory won by a highly centralized, even by an American fascist, government if you please, as infinitely more desirable than a defeat at the hands of a foreign fascist despotism. (If this be treason, make the most of it.) Bowing ourselves to the yoke for a given purpose—the winning of the war—we might the more easily throw it off when that end had been

achieved. It is true that revolt is more difficult now than at the end of the eighteenth, or even at the end of the nineteenth, century. To "descend into the street," as the French used to phrase it, and to build barricades would be suicidal in an age of tanks, flame-throwers, and dive-bombers. Still there are joints in the armor of fascism. With time, new joints may appear. Unbridled power corrupts those who seek to wield it; luxury enfeebles those who would batten upon the fruits produced by millions of servile workers. In the end, we may trust the resourceful American people to find a way to overthrow an American dictator and to return as far as possible to the principles of the Founding Fathers of 1787.

Neither history nor the theory of probability, then, yields any appreciable support to the allegation that democracy and military preparedness are incompatible. It is not only false, it is also viciously defeatist. Wittingly or unwittingly, those who parrot it on any and all occasions give the impression that the survival value of democracies in such a wicked, wicked world as that of Anno Domini 1940 is slight indeed; we are told that like shrinking violets these democracies must perish with the first blast of the wintry wind of militarism. Assuming that free nations acted upon this pseudo-principle, giving assurance in advance to predatory dictatorships that under no circumstances would they risk their liberties by arming and fighting to preserve them, there can be slight doubt as to the result. They would be occupied militarily as soon as the *Führer* and his associates found it convenient, thereafter to be exploited under alien totalitarian control indefinitely. Prior to 1939, something could have been said in favor of pacifism and appeasement; after that date, all but the dullest coupled appeasement with preparedness. Now both pacifism and appeasement are thoroughly bankrupt policies. Even the old adage that "it takes two to make a quarrel" is hopelessly outmoded. Herr Hitler *solus* has demonstrated transcendent genius in picking innumerable quarrels on any grounds or no grounds at all; also in starting wars utterly without provocation against absolutely peaceful neighbor nations: witness the fate in the course of the present year of Denmark, Norway, Belgium, and Holland. Clearly, then, the acceptance of the assertion stated above would disarm democracy to avoid the possible fate of domestic fascism, only to subject it to a certain and far worse fate, the imposition of fascism by an invading alien power.

X

It is no part of the purpose of this address to present a complete program for future action. That market is overstocked: during 1940 we were surfeited with platforms drafted by the two major and by several minor parties, none of which became a best seller. There are, however, a few proposals, often neglected in public discussion, to which I should like to invite your attention. First of all, we must accept the statement made by Professor Fritz Morstein Marx that "our policy cannot survive under the disastrous load of chronic unemployment and sharply marked economic inequalities."[17] Undoubtedly, chronic unemployment is the sorest point of contrast between ourselves and the dictatorships. Although the methods of the latter in dealing with labor are those of the slave-driver, nevertheless they have succeeded in putting everybody, except those blacklisted for political reasons, back to work. We must achieve the same result, and do it through the use of better means. It is to be regretted that neither of our major parties found space in its platform this year for a plank proposing an amendment to the Constitution whereby every adult citizen would be guaranteed employment at living wages. Paraphrasing Lincoln, what we intend is "to declare the right, so that the enforcement of it may follow as fast as circumstances permit."[18] With this obligation imbedded in our fundamental law, methods of enforcement could be worked out as between federal, state, and local governments on the one hand and private employers on the other. A national commission composed of the most eminent political scientists, economists, educators, business men, and labor leaders should be appointed to supervise the process. Admitting the enormous cost involved, also the tremendous difficulties of detailed legislation and administration, still the thing must be done. Otherwise, how can we draft men to fight for their country many of whom have never had a job, many of whom must fear that they will not be able to find work after they have been mustered out of service? What a ghastly incongruity that those who are asked to risk their lives to save the government should not be guaranteed by that government so much as a chance to make a living in case they escape death on the field of battle! Recalling its past achievements,

[17] Fritz Morstein Marx, "Totalitarian Politics," *Proceedings of the American Philosophical Society*, Vol. LXXXII, No. 1 (1940).

[18] Speech at Springfield, Illinois, June 26, 1857.

democracy is more than justified in calling upon its sons to fight for it. We believe, however, that by far the greater achievements of democracy belong to the future, first and foremost among them the solution of the problem of unemployment. Let us then call upon the future, as well as upon the past, achievements of democracy in arming our soldiers spiritually for their final struggle against despotism.[19]

XI

Second, one must fight the devil with fire. Although the adage is scarcely in accord with the strictest principles of morality, warrant may be found for it in the pages of Sir (and Saint) Thomas More's *Utopia*.[20] As the world of 1940 learned to its sorrow, totalitarian states have not hesitated to subsidize murder, treason, sabotage, arson, and bribery in the countries they intend to attack. It is too much to expect that they will spare us similar inflictions in case our relations with them become more strained. If so, there should be no squeamishness on our part about replying in kind. In all the dictatorships, and now probably also in the countries they have reduced to slavery, widespread and determined underground organizations exist. Little as these organizations have been able to accomplish so far, they are obviously ready to take advantage desperately of any opportunity to strike at the governments under which their members are hunted as wild beasts. Once provided with adequate funds, they should be able to do far more destructive work than the disloyal elements in our midst. Think what Otto Strasser might have accomplished with a paltry hundred thousand

[19] As a small and rather ineffective move in the direction proposed, it is interesting to note that the Burke-Wadsworth Selective Training and Service Act of 1940 attempts to provide guarantees that private business enterprises shall hold jobs open for employees who are called to the colors. Veteran preference in our civil service laws is another microscopic effort of the same sort.

[20] More writes in Book II of the *Utopia:* "As soon as they [the Utopians] declare war, they take care to have a great many schedules, that are sealed with their common seal, affixed in the most conspicuous places of their enemies' country. . . . In these they promise great rewards to such as shall kill the prince, and lesser in proportion to such as shall kill any other persons, who are those on whom, next to the prince himself, they cast the chief balance of the war." More also suggests the offering of rewards to enemy princes and their subordinates to act against their own countrymen. If these methods prove unsuccessful, the Utopians "sow seeds of contention among their enemies, and animate the Prince's brother, or some of the nobility, to aspire to the crown." The writer confesses that the above "utopian" advice nauseated him when he first read it. Totalitarian methods of warfare have convinced him, however, that it must be followed until civilization has been reëstablished.

dollars or so! Even with the barest minimum of financial support, he kept the Gestapo in a state of perpetual jitters for a decade. Discreet use of part of our secret service funds—and that means no unnecessary publicity about details—might serve to bring about revolt inside the Third Reich considerably earlier than it would come otherwise. At any rate, the results would afford Herr Hitler an opportunity to reflect upon another adage—that with regard to the biter being bitten.

XII

The foregoing must not be interpreted as advocating atrocities—let the dictators have a monopoly of that sort of thing. Even in dealing with Fifth Columnists interned "for the duration," humane treatment should be insisted upon. Perhaps, however, one exception might be made in their case. If it be not cruel and unusual punishment under Article VIII of the Constitution, they should be compelled to listen to three hours of lectures daily—only the usual stint for undergraduates—delivered by eminent American college professors on the general subject: "Advantages of Democracy over Dictatorship." Minor matters of this sort aside, chivalry is out of the question if we must go to war against any of the totalitarian powers. The British have learned that lesson. Winston Churchill's decision to take over the French navy by force was indeed a bitter one to make, but it was clearly justified under the circumstances. The anguished squeals which followed immediately from Berlin and Rome were proof of it. Beyond all doubt, Herr Hitler, who has never let earlier pledges stand in the way of anything he wanted to do later, would have seized the French fleet for use in the invasion of Britain. How agonizing it must have been for him and for Signor Mussolini to learn that the British also knew how to "get rough"!

This address could not pass as authentic if it failed to import a large number of significant precedents from Switzerland. Of course the general assumption behind these importations is that whatever is Swiss must be genuinely democratic, also wise and practical. In the earlier years of the last decade, separate cantons of the little Republic of the Alps began to take action against the Communist party, suppressing its publications and deporting aliens connected with it. Federal legislation of a similar character began in 1932 with a *Bundesratsbeschluss* forbidding appointment to or continuance in the public service of members of the Communist party or of organizations affiliated with it. Meanwhile, Nazi organizations

similar to our own *Bunds* had endeavored to find rootage in Swiss soil, not very successfully to be sure. To counter their activities, the wearing of party uniforms and badges was forbidden in 1933, thus antedating the passage of the British Public Order Act by more than three years. Activities initiated anywhere in Switzerland to the advantage of any foreign state or party, and to the disadvantage of the country, were prohibited in 1935. Beginning a year later, propaganda, foreign or domestic, of communistic, anarchistic, anti-military, or anti-religious character was ordered suppressed. In 1938, to these forbidden types was added propaganda designed to disturb the internal or external security of the Federation, especially the independence or neutrality of the country, its democratic institutions or the interests of national defense. Later in the same year, an enactment—perhaps the most significant of the whole series—prohibited public and systematic efforts to cast contempt upon the democratic bases of the Federation or of the cantons, or to stir up hate against groups because of their race, religion, or nationality. At one blow, this *Bundesratsbeschluss* deprived German agents or sympathizers of the privilege of print, at least of printing that part of their creed which stirred up the most trouble locally. Finally, on August 6 of the present year, the Bundesrat comprehensively and categorically prohibited all activity throughout the Federation by the Communist party and its "transmission belts" (*Hilfs-und Nebenorganisationen*), also by anarchistic groups, also by groups affiliated with the Fourth International (Trotzkyites), and finally by any groups that might endeavor, presumably under new names, to take the place and carry on the work of the groups specified above. It is noteworthy that the foregoing enactments carried stiff penalties in the form of fines or imprisonment or both, to which, whenever aliens were involved, expulsion from the country was added.[21]

It is not meant to be implied that laws of a similar character should be passed immediately in the United States. We are not in the very center of the European frying pan as are the Swiss, and

[21] *Bundesratsbeschlüsse* of December 2, 1932; May 12, 1933; June 21, 1935; November 3, 1936; December 2, 1937; May 27, 1938; December 5, 1938. Also *Bundesgesetz* of March 26, 1934. As these pages go to press, news comes from Bern that on November 19 of this year the *Bundesrat* dissolved the so-called "Schweizer Nationalbewegung." To all intents and purposes, this "movement" was a true copy of the German National Socialist party which had been attempting to operate on Swiss soil.

perhaps we can afford to be more tolerant. On the other hand, conditions may so change, even here, that it will be necessary to take the wind out of the sails of foreign agents, of shirted agitators, of the "Reverend" Father Coughlin and his like. In time of war or threatened war, especially when subsidized from abroad, they are little less dangerous than armed invaders. To deal with them promptly and effectively is in accordance with the first law of nature—the law of self-preservation. Would that be unconstitutional? Contrary to the sacred principles of freedom of speech, of the press? But these are democratic principles. Is democracy, then, bound to permit enemies within its gates to strike unmolested at its very life? And when democracy dies, what happens to these sacred principles? If the constitutional argument be raised against any future enactments of the Swiss type, let the courts decide. If they decide adversely, the process of amendment may be invoked. Meanwhile, why not ask ourselves what conceivable benefit accrues, even in time of peace, from permitting rabble-rousers, banded together for that purpose and subsidized by foreign powers, to attack our races, nationalities, religious sects, or the basic principles of our political institutions?

Before leaving the subject of Swiss examples for American imitation, a word should be said in favor of the Swiss system of universal compulsory military training. Requiring a minimum of time at the *Rekrutenschule*, it provides a force of 480,000 soldiers ready for active service and an additional 100,000 of trained reserves. With our population, a similar system would provide more than 14,000,000 soldiers ready for all emergencies. Adequately equipped, so large a body of trained men would make armed attack upon the United States hopeless. As a minor detail, if we could divert a quarter of the attention now given baseball to the far more practical and enjoyable Swiss sport of rifle shooting and rifle competitions, probably no dictator would ever dream of leaving his calling card on Uncle Sam's doorstep.

XIII

It may be objected that the future sketched in this paper—a future of military preparation and perhaps of war—is decidedly dismal. But a far worse future may easily be imagined. Also it might easily be brought down upon our heads. "Appeasement" is the word one reads upon the door to that future; above it the in-

scription: "All hope abandon, ye who enter here." Those who knock thereon, and even those who resisted dictatorship with insufficient force—ten nations in all to the present date—know what that inscription means. It means slavery, dismemberment, expropriation, subjection to alien control, relegation to the position of an inferior race under the heel of a brutal master race, destruction of all human dignity and independence. Worst of all, it means standing aside and remaining mute when fiendish persecution is inflicted upon fellow citizens who happen to be Jews, liberals, or democrats. All this can be had for the asking: we have merely to lay down our arms and shout: "Heil Hitler!"

In the end, it is certain that Americans will not submit tamely to such a fate. They will not enter the door marked "Appeasement": they will go out through the opposite door marked "Defiance." I do not pretend to like the sort of future that confronts us. It may bring with it the heaviest burdens, the most cruel sacrifices. In all probability, things will get worse before they get better. It may fall to the lot of an American President to say, as did Prime Minister Winston Churchill, that he has "nothing to offer but blood, toil, tears, and sweat." Not liking a future, however, is no reason for not facing up to it. There is a deep satisfaction in resoluteness, through all perils, regardless of the outcome. Let us give thanks also that we are done with roseate illusions; that we are ready to deal with grim realities. Peace and justice may not be for our time, but we have the privilege of risking everything that they "shall not perish from the earth."

A THEORY OF CONSERVATISM

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The conservative of today hardly knows what to conserve. His bargain with destiny seems broken, and instead of consciousness of achievement and contentment with what is, he is more likely to be filled with a sense of frustration. This frustration is an uncertain quantity with which to deal, since it is characteristically explosive and negative. Under its guidance, conservatism may become a driving force to suppress the inconsequential; it may be a force that is forgetful at the same time of fundamental changes that will undermine a way of political existence. The conservative is happiest when he is unconscious of politics, when the essential propositions of social organization do not have to be defended. But the weakness of conservatism appears in not knowing always what are the fundamental propositions supporting its manner of living, and in inability to judge the consequences of political and economic mutation. Conservatism, however, is at least that body of social thought which does not have to be defended.

Conflict, struggle, and protest must be conscious and filled with a sense of purpose. In conflict, there is always the conscious defense of what is presumed to be an interest, and there is an attack on what others deem to be their interest. Likewise, radicalism can never be unconscious or merely habitual, for it is a protest against something that is. But it must not be forgotten that in no state of society have all interests reached an equilibrium which permits of complete coöperation and no struggle. In this sense, conservatism represents a functional value in existence, since the stability of a conservative society is a situation in which the conflict of interests and wills is muted and restricted.

A clear view of the nature of conservatism is difficult to reach because of the changing character of immediate issues. Such issues do not cover the gamut of social experience, and they are changing constantly from one aspect of political or economic contest to another. With each change of issue, or the movement of issues, new alignments of forces are provoked which last only so long as the issue of itself remains as it is. An amorphous word like "liberalism," if traced through the nineteenth century and in different countries, will show an astonishing variety of propositions that have been

called liberal. These propositions extend from the defense of the Church in France, the argument for free trade, the defense of constitutional monarchy in Germany, to pre-Marxian and the Marxian condemnation of poverty under the modern economic system.[1] To what extent is Russia, since the Russian-German pact of August, 1939, conservative or radical? Is the Third Reich really revolutionary, or is it covertly the defender of the bourgeoisie? Can anyone who resorts to revolution, such as General Franco in Spain, be called a conservative? Perhaps it is safe to say that ideologies do not have a very close connection with either constructive radicalism or conservatism; an ideology, like the weather-cock, points with the wind.[2] The explicit side of an issue is not always the lasting clue.

But if there is to be any meaning in the term conservatism, something beyond the boiling point of the moment must be sought. Conservatism, it may be argued, is a phase or a form of social thought. In itself, it is an aspect of social process. It may be suggested that there are only so many fundamental issues possible among men as they are; and, further, that there are only so many possible answers or positions on these issues as long as men are as they are. Such might be argued at least, on a reading of historical human nature, and such probative conclusions as may grow out of the historical study of human behavior. It is the purpose of this article to try a clarification of some of these points.

Beyond all doubt, conservatism involves a theory of change. The whole world of social experience is never static, though parts of it may approach such a condition. Parts of the context of our lives change more quickly than others, and thus it is readily admitted that technology is changing faster today than social attitudes.[3] If radicalism is continually looking for the new world around the corner, conservatism is not. The conservative looks upon similarities and dissimilarities in social change, and the "fundamental" is practically always the similarity between two periods. Thus the fundamental is continuous through change; the chorus repeats itself even if the stanzas do not. The radical, on the other hand, is

[1] See Guido de Ruggiero, *The History of European Liberalism*, tr. from the Italian (1927).

[2] See, for example, Stuart Chase, "Ideological Immunity, 1975," *New Republic*, Nov. 8, 1939.

[3] See W. F. Ogburn, *Social Change* (1922); R. M. MacIver, "The Historical Pattern of Social Change," in *Authority and the Individual* (1937).

forced to conceive of a time in the future that in essentials will be different from the present; he looks upon dissimilarities between periods as the clues to social meaning. But some continuity in fundamentals is necessary for any idea of historical continuity or repetition, unless indeed one is willing to argue that all repetition is froth on the surface of reality.

Conservative emphasis touches in various ways the idea of what is changing, how it is changing, and what ought to change from one period to another. These notions of *what*, *how*, and *ought* in change focus finally on the problem of inequality in social experience. The great inequality, above all others, concerns the possession of power, whether economic or political, or simply power if one is not willing to make a distinction between the political and the economic.[4] But as power is of no significance in the abstract, so inequality is important as it touches the lives of men and women. Like money, power is valuable for what it will purchase, and aside from that it is worth as much as a continental. Inequality, therefore, is a phase of movement and change; it is a dynamic concept, and the mosaic of inequality is continuously changing in some aspects, yet always remaining the same in others. The fact of inequality itself is a fundamental continuity of history. It is part of the pattern of existence.

"The influential are those who get the most of what there is to get," declares Professor Lasswell. "Available values may be classified as deference, income, safety. Those who get the most are élite; the rest are mass."[5] Conservative emphasis has tended to approve of the fact of inequality, but it has also accepted changes in the structure of inequality in any society. If inequality, and its obverse, power, remains a fundamental similarity in historical continuity, there is no argument implied that either X or Y ought to be members of the élite.

Thus to the conservative it is the structure of inequality that is changing; inequality, or differentiation in the possession of power, is accepted as a normal fact in social life. It is normal, inevitable, that the composition of classes, of élites or oligarchies, should change; there is nothing radical in this, for the radical is driven to attack the postulates of normality that the conservative accepts.

[4] Cf. C. E. Merriam, *Political Power* (1934); Bertrand Russell, *Power; A New Social Analysis* (1938).

[5] Harold D. Lasswell, *Politics: Who Gets What, When, How* (1936), p. 3.

It would be no change of importance if the boards of directors of the leading corporations in the United States were altered completely in twenty-four hours; the functional aspects of those directorships would remain the same. The conservative mind at its best seeks for the basic patterns of repetition and change in relation to power. We may argue, therefore, that there is a trend toward permanence in the substance of these patterns, though the details may vary greatly from time to time. To be conservative, the assumption must be that the enduring pattern is the fundamental fact. Thorstein Veblen has argued that the search for prestige is one of the fundamental drives in the pattern of social behavior,[6] while Marx and Pareto have seen inequality in the distribution of economic power as fundamental in society.[7] But systems of prestige value and economic organization may disappear; that is, they may change, from the conservative standpoint, in superficial aspects, but they are not likely to on fundamentals.

Conservative thought, more than other types, has stressed the continuity of moral values. To the economic radical, such an attitude is façade for a mansion of iniquity. Christianity as a conservative force, for example, assumes continuity in moral principles. Depending upon the exegetical point of view, these values arise from human experience or from divine law, but as basic facts they do not need revision with the passage of time; the application made to specific situations may vary with social evolution. In *The Mind in the Making*, James Harvey Robinson raised the question: Why should we stay with Aristotle's Nicomachean Ethics when we have deserted his biology? The conservative would answer that the Ethics considers primary and lasting evaluations while the details of the biology are secondary as to social judgment. However, the conservative might consent to the proposition that continuity in moral values involves slow change, not only with the secondary aspects of life, but also with the primary evaluations contained in a system of ethics.

[6] *The Theory of the Leisure Class* (new ed., 1912).

[7] If the Marxian does not assume that in the higher reaches of socialism there will be equality, he does not thereby condone the inequalities of economic power found in capitalistic society. The continuing pattern in Marxism is exploitation, though it is argued that capitalism is a modern economic system. It can hardly be argued in the light of the *Communist Manifesto*, for instance, that there was a Greek or Roman capitalism. Pareto makes no assumption that economic inequality or political inequality can be eliminated. See *The Mind and Society*, tr. from the Italian (4 vols., 1935).

The continuity of moral values extends also to the possession of economic and political power, that is, to political régimes and to economic systems. Debate is most difficult on just what is fundamental in a religious system, a political régime, or an economic system. The conservative and his opponents cannot agree on this, simply because of the difference in mental attitude involved. If the radical or the non-conservative sees the differences between religious, economic, and political situations as most important, the conservative is convinced of the continuity of the primary or fundamental. What is basic, for instance, in political democracy? Is it the series of individual rights that the lawyer has traced with romantic history from the early days of the common law down to the present, or is it the right of the people to experiment with the organization of society, even if in a capricious manner? In both instances, there is continuity, but what is the primary aspect is not a matter of agreement; there is no concord on just what is changing.

The discussion of what is changing, or what aspects of inequality are varying, leads to the proposition that, in this respect, there is a primary and secondary conservatism. The primary or fundamental conservatism is broad in its nature, though it is constantly intermingled with the secondary or non-essential features of change. The conservative may well insist on the principle of private property while not maintaining the present system of the relations of production.[8] Various encyclicals of the popes since the rise of socialism in the nineteenth century have made this position of Christianity abundantly clear. The Catholic Church is a defender of private property, though it cannot be said that the Church is a believer in the current system of capitalistic production; fundamental changes are necessary, as the *Rerum Novarum* and the *Quadragesimo Anno* show. What many modern business men would accept as fundamentals in their conservatism is nothing but secondary detail in the principles stated by the Vatican.

Much the same type of argument might be developed in relation to political régimes. To the democratic conservative, the mechanics of popular rule, such as parliamentarism and civil liberty, have become increasingly important in recent years as these techniques have been demolished in the authoritarian countries. Gaetano

[8] Christopher Dawson, *Enquiries into Religion and Culture* (1933); *Religion and the Modern State* (1935).

Mosca has regarded the juridical defense of the individual as a proposition of fundamental character in the stability of any régime.[9] It is clear that one of the techniques employed by fascist governments is to break down the independence of the judiciary so that it will not be a haven for the political dissenter. We have yet to judge the propriety of the attempt to place techniques of government, such as are involved in the discussion of democracy, in the category of fundamentals. Can a primary conservatism rest upon political technique? All we can say is that the defenders of democracy are at the present time making such an effort.

Changes take place through time, and both radicals and conservatives must have an attitude toward history. The more there is emphasis on the justice of a cause or the iniquity of a situation, the more is the element of time restricted in thought, and the more is there a willingness to leap over time completely. If we inquire how change takes place, we find that the conservative is generous and uncritical of time, especially past time, and that his concern for the future is less than for the past. The liberal may be conscious of the past, but his eye is fixed on the future and the achievements that will be attained; the past cannot be forgotten, but it would not hurt to forget it. Radicals or utopians have little sense of time at all; the moment of apocalyptic realization is the culmination of a history that has been telescoped into the smallest duration.[10]

One of the primary values of conservatism is belief in the wisdom that has emerged from the past; nor can the conservative admit that changes accelerated to the point of revolution can ever be of substantial value in the future. The case against revolution argues that it is uncreative, and that it is merely destructive. Those patterns of social organization which are essential either to progress or to stability come only with the maturing of time; the impatience of the radical can never recreate what he has been, by accident, able to destroy. The value seen in the past may be more emotional than reasonable, as is shown in the sentimentalism of Edmund Burke in his *Reflections on the French Revolution*. But in the emotional response to a time-tested political organization we have one of the strongest drives in politics, and it is a source of support for conservative ideology. Indeed, power, in its impact upon the individual, can be an esthetic experience of the first rank, and some might

[9] *The Ruling Class*, tr. from the Italian (1939).

[10] See Karl Mannheim, *Ideology and Utopia*, tr. from the German (1936).

contend that patriotism is about the only esthetic experience that many citizens experience. No ideology can command support unless it has control over some emotional experience, and the ideas of Burke warmed the hearts, not only of Englishmen, but also of Europeans of many nationalities. While many conservatives in the late eighteenth and early nineteenth centuries were content with the Burkean interpretation of history, it can hardly be argued that his historical conservatism is equal to that of Machiavelli, Hegel, Spengler, Pareto, or Mosca. As a propagandist, Burke is strong, while intellectually and systematically he is weaker than others who have based their conservatism upon an interpretation of historical movement.

We have already argued that the conservative sees continuity in history, while the radical, because of his vision of the future, must insist on sharp differences in the elements of historical epochs. Continuity in fundamentals, similarity between periods, blends into the concept of repetition in history; for repetition in the conservative emphasis becomes simply a differentiation in continuity. Out of this differentiation, which is recurrent in nature, arises the notion of pattern in the historical process. Pattern itself is without meaning unless it concerns fundamentals or primary elements in the social process.[11] Cycles and fluctuations in history are pattern-like because there is a form of recurrence in each; the cycle moves back to something like the previous situation, while fluctuations have antipodal limits of movement. To the conservative, the complete evidence of pattern is found in the past, in a study of the historical behavior of human beings. On the other hand, utopian thought, because it is disconnected from reality, and is a prophecy of what will happen, seeks a pattern in a reasoned interpretation of what can be; the evidence of pattern is not to be found in experience, but in what may be experience in the future. To say that something has been means little in an argument for the discontinuity of history. The Marxian dialectic or the argument for Fabian socialism, for example, cannot be based on what has been.

In the end, contempt for history implies a revolutionary philosophy. In an age of change such as ours, it is possible to see the elements of revolution in every dark interstice of the social structure, and, just as the conservative develops an exaggerated fear of revo-

[11] See Pitirim A. Sorokin, *Social and Cultural Dynamics* (3 vols., 1937), for data on divergent theories on historical movement.

lution, so the radical develops a systematic mythology about the coming of the revolution. While philosophic radicalism in the nineteenth century did not become revolutionary in its main stream, it might easily have become so had it not aligned itself with the then unadmitted principle of a broadened right of suffrage.[12] Quite properly, Jeremy Bentham had contempt for history, since he was arguing for discontinuity with the past. Today it is possible to see that Bentham did not need to be so antagonistic toward history, considering the extent of the new propositions he was advocating; but living in the shadow of Blackstone and later of Burke imposed on Bentham's thought burdens that we today do not have. On the other hand, Marxism is a revolutionary philosophy, and is so inescapably. To draw a chart of the future so fundamentally different from all the recorded past makes it necessary to postulate a sharp break in continuity, though it has been helpful to believe that history has been working toward the achievement of socialism. For Marx, historical movement must extend beyond the limits of experience. Hence, bourgeois historicism can only be reactionary in its nature.[13]

The broad outlines of the conservative pattern of history begin to emerge when we consider the relation of the individual will to historical events. Historical development in the conservative emphasis has always something of the objective about it, especially if the result is to be approved; the conservative recognizes always the destructive power of the will as it is reflected in revolutionary activity. If the historical process is in a measure objective as to the individual will, it means the futility of primary reforms, and often bad consequences following secondary or less important reforms. Why should bad consequences follow? Why should primary reforms be futile? Much of the case of conservatism must rest on proving these points. The conservative answers that the durable human institutions have developed through time and in a given mold or process, and that only the undisciplined effort of the human will seeks to break these lasting bonds. Reform of a fundamental nature is only too often flying against the principles of stable social action, and the destructive minor reform prevents for the time being the normal working of historical process.

[12] Elie Halévy, *La formation du radicalisme philosophique* (3 vols., Paris, 1901, 1904), is one of the best works dealing with this question.

[13] Cf. N. I. Bukharin and others, *Marxism and Modern Thought* (1935), pp. 235 ff: A. I. Tiumeniev, "Marxism and Bourgeois Historical Science."

But conservatism always exists in relation to a particular situation. With Hegel, it is said that the real is the rational and the rational is the real. Indeed, to argue the irrationality of anything that is involves a most difficult argument.[14] The very core of radicalism is a denial of the presence of any ultimate rationality in what exists at the present. It may be admitted that the course of dialectical development can use the present, but the final rational society will be an overcoming of what exists. The more utopian and unhistorical the radical mentality becomes, the more is there an inclination to deny any rationality in what exists. Conservatism, on the other hand, believes that both the rational and the ethical (though no distinction between them is necessary) must be valid in terms of the possible, that is, in concrete objects or situations that can express rational or ethical evaluations. Conservative thought is here separated profoundly from utopian thought, and to a less degree from a radicalism that accepts historical development as part of its judgment of current institutions.

Will is always more limited, therefore, in conservatism than in any opposing philosophy. The process of history objectively limits will, and the reason of reality is monitory or minatory in relation to the will. Thus the freedom of the masses is limited in fact, and there is ground for urging the élite or the ruling class to resist the masses in their assault on the turrets of heaven. Thus conservative leaders have tried to sense those changes which would free the masses, and they have opposed them as they were able. The great Chancellor Kent of New York State, for example, opposed the democratic tides of his day. He was opposed to popular education, and he believed in government by those who were most able and intelligent in their point of view.[15] In spite of an amazingly long record of the masses for docility, the conservative has feared them for the occasional disturbance in politics and economics that they have caused.

It has long been argued that the tyranny of the majority must be prevented, and the argument has been accepted as one of the pillars of conservatism. Yet modern experience might show, in the light of the malleability of the masses, that the tyranny of the élite can be more destructive of individual freedom, as argued by con-

[14] See G. W. F. Hegel, *Grundlinien der Philosophie des Rechts* (Berlin, 1833), Vorrede.

[15] See J. T. Horton, *James Kent; A Study in Conservatism* (1939), for a study of one of the great American conservatives of the nineteenth century.

servatives, than any other despotism. If the conservatives have long thought on how the masses can be stopped, they might think more today on how to create an intelligent ruling class that will not exploit the masses. From the time of the Greeks onward, it has been admitted that the best should rule, that the best form of government is aristocracy in the true sense of the word. The crisis of today, however, is a combination mass movement and irresponsible oligarchy. There is a core of individualism in the argument for the government of the best—that is, individualism of the superior members of society—but the contemporary movement seems to threaten the freedom that republicanism or limited democracy has believed in for those who are superior. Certainly, the current exploitation of the masses for war or domestic tyranny does not bring into responsible positions of rulership those who are the most intelligent in society. As Plato argued, the best should rule in the interest of the many, and there should no doubt be some control of the masses, yet little can be hoped for in the present situation for this historical principle of conservatism.

We are thus led to examine, from the conservative viewpoint, what ought to change. No conservative thought has been able, any more than radical thought, to reach a satisfying conclusion on the pattern at work in the interaction between the will of the masses or leaders on the one hand and the objective processes of history on the other. Conservatism has admitted that which exists in historical fact, one of these admissions being the possibility of revolution. The conservative has tended to underestimate the change brought about by revolution, while the radical, seeing the revolution as a kind of superstition of the future, has consistently overestimated the alterations that will be brought about by the revolution not yet consummated. A long historical perspective is necessary in any case to see what changes have taken place. We can better examine the changes wrought by the French Revolution today than we can those produced by the Russian; and the Chinese Revolution is obviously still in process. One can only wait. But each revolution produces its new conservatives or its defenders, and the remnants of the old régime may fight them hopelessly as radicals. The emigré mentality, however, has in historical perspective been more false than any normal conservatism.

The lasting issue raised by revolution, however, is the extent that primary changes are wrought. To what extent have the primary

values of the old society been changed? To what extent is the change related only to the superficial and secondary aspects of society? If the institutions of property, family, and religion; if the principles of patriotism and of historic imperialism survive the Russian Revolution, can we say that the changes have been more than secondary in their nature? Likewise, the forces released by any revolution require time to mature, and the sharp, quick judgment of the dispossessed is hardly worth the later and dispassionate concern of the historian.[16]

Conservatism has been able under most circumstances to accept, or even advocate, secondary changes in the social structure; but it has been unable to see undermined without a struggle the broader underpinnings of the type of society to which it adheres. Yet both radicalism and conservatism have suffered from ignorance of the social process at work about them. Neither has been able to predict with accuracy some of the most ordinary consequences of behavior. The more intelligent conservatism becomes, the more able is it to foresee what is going to happen. It can be argued with some plausibility that conservative prediction has a slight margin in its favor, simply because, aside from war and revolution, spectacular change has been extremely slow in becoming clearly outlined. Conservative prediction has usually rested on two propositions: the evil of human nature and the improbability of fundamental change coming in a short time. Men are as they are; and the framework of reason and ethics has been that of men as they have actually behaved. Because of their method of prediction, Machiavelli and Bacon[17] must be accepted as leaders in conservative technique. Ignorance of the historical process has produced in conservatism peculiar cases of social astigmatism. As the present issue has loomed over all others, the conservative has been able to predict the return of the age of Saturn, or the golden age, on the turn of an election, which in historical perspective is unimportant enough. Conservatives are at their best when they only have to live and do not have to argue that a change of policy might produce again the golden age.

Conservatism is not necessarily a defense of the *status quo;* in no

[16] See L. P. Edwards, *The Natural History of Revolution* (1927); Crane Brinton, *The Anatomy of Revolution* (1938); G. S. Pettee, *The Process of Revolution* (1938).

[17] See *The Essays of Francis Bacon* (ed. by M. A. Scott, 1908), p. lxxx; also Carl Schmitt, *Der Begriff des Politischen* (1933).

case could it be a defense of everything as it is, but it is a defense of primary elements in the social structure, with concessions made on secondary problems. Conservatism, however, is a manner of thought and a content of thinking that can be used if necessary in defense of things as they are, or at least it can be an argument for the deceleration of social change. Yet we have observed that the axiomatic thought of conservatism does not like controversy, since the present has always been wicked and it is hard to defend it against the speculative, doctrinaire ideas of the champions of ideal justice. Critical thought is generally more comprehensive and more carefully arranged than is the defense of existing institutions. As its appeal spreads, conservatism becomes more emotional, and more detailed in its response. Hence, conservatism seems weaker than it really is. The critical thinker may be self-assured about his picture of the future, but he is more likely to be strong in depicting the customary evils of the present. The conservative can usually afford to wait or to accept secondary changes, since there has always been a gap between the critical analysis of the present and the prediction of the future. In fact, there has been little connection between the condemnation of the present and the defense of what ought to be. Radicals may be united in denouncing injustice, but they have seldom been able to agree on the next step forward; on the other hand, the conservative, in defending what is, can usually argue that he is not responsible for it.

What is the strength of conservatism? Its force lies in its reliance on historical process and the probability that human behavior will follow a pattern somewhat like the past. Conservatism is weak in its statement of purpose, except on the most general lines, and in such a statement there is no basic difference between conservatism and critical thinking. One must descend from the clouds, from the mist of the generalities of high human purpose, before a distinction can be drawn between types of social attitude. All thinkers are for the betterment of the race or the nation; they are all for the greatest possible realization of justice. But it is the body of institutions and immediate political devices that count in the differentiation of conservatism from other types of thought.

Conservative emphasis does not overestimate human nature, or its capacity to attain organized purposes. It is one thing to say that men should coöperate, and it is another to state the terms or the conditions on which coöperation on a social problem may be

attained. The conservative as well as any one else may agree that if all men would be men of good will any human happiness might be attained. That stated purpose is disparate from the realization of purpose is the core of the conservative attitude toward life. The conservative discounts the passion for justice, just as he minimizes the consequences of new organizations for gaining utopia. Historical process and the working of historical human nature are much the same, although historical process assumes the objective interaction of historical human nature with its environment. In politics, this implies no idealization of the facts or the process of ruling. Government is little better or little worse than the average level of social behavior, and political techniques do not rise above their level.[18]

The conservative picture of politics is the mechanism of power. It may be simply a realistic approach to the problems of public opinion, and a willingness to spend money on propaganda. It may be a consciousness that the public anger of today will pass and that the techniques of the trade can be used in more calm days ahead. At least, the people always have calmed down; so they should do it again. It may be the statement of high principles so that men will lay down their lives to stop X who is the latest menace to the empire and therefore to civilization. Mr. Mencken, in his *Notes on Democracy*, speaks of the negative, emotional character of the action of public opinion, and the conservative realizes only too well its ineffectiveness compared with the results of steady and well-organized administration in business or politics. It may be Mr. Frank R. Kent with his *Great Game of Politics*, and his demonstration, which should be unnecessary, of the balance of power held by the minority—if it is organized. Or it may be Machiavelli and the lucid doctrines of *The Prince*, which help to explain the vicissitudes of fortune and virtue in the process of politics. Again, it may be the doctrine of *ragione di stato*, the principle of the interest of state, i.e., the dynasty, or that of national interests which every democrat is ready to defend.

Whatever the immediate issues, the conservative takes things as they are on the secondary plane of practical politics. To reverse the Jesuit statement, to him who has assumed the end, the means must be assumed also. Conservatism in its forceful moments is never separated from the actuality of experience, while radicalism

[18] Cf. Henry Jones Ford, *Representative Government* (1924).

hangs always over the abyss of utopianism. Men may vote to end poverty in California, but poverty is not to be ended, if ever, in this way. The crucial issue to the conservative is all too often to mark off the boundaries between what is "sound," "expedient," or "practical," from that which is utopian vision. This boundary is a fluctuating and uncertain line that haunts magnanimous minds, for all men know that the consequences of action are seldom like the purposes of the beginning.

The conflict between purpose and consequences of action is to be explained, according to the conservative, only by the objective intervention of historical process, and the burden of the realist is to understand, so far as possible, those factors which direct objectively the course of historical development. Because the best conceived purpose is erratic in result, because purpose tends to be utopian in character, and because when purpose is utopian it becomes destructive in its collision with process, stability becomes a primary value in conservatism's analysis of how things ought to change. Stability is the keystone in the arch of social reality. Stability is a value in itself. And so it has been with conservative thought for centuries. Whether we take Coluccio Salutati, quoting Augustus to the effect that "He who is unwilling to change the existing order in the state is a good citizen and a good man,"[19] or follow Thomas Hobbes' *Leviathan*, the answer is always the same. Revolution and civil disturbance are bad because risks of change are great, and because the revolution never attains its first intentions. Stability is the context of progress, and upheaval is the matrix of retrogression. In certain stituations, it is stability alone that can preserve the group. In reviewing Bryce's *American Commonwealth*, Woodrow Wilson remarked that America will one day find herself grown old, strained, and perplexed, and "she will be obliged to fall back upon her conservatism, obliged to pull herself together, adopt a new regimen of life, husband her resources, concentrate her strength, steady her methods, sober her views, restrict her vagaries, trust her best, not her average, members."[20]

No conservative would deny that in the working out of historical development, there are times of rapid change and times of rela-

[19] See Ephraim Emerton, *Humanism and Tyranny* (1925), for Salutati's treatise "De Tyranno," chap. 4.

[20] Reprinted in R. C. Brooks (ed.), *Bryce's American Commonwealth, Fiftieth Anniversary* (1939), p. 182.

tively slow change, and that there is a difference in the rate of change of different environmental structures. To the conservative mind, a period of rapid change should be regarded as a transition between stabilities, since the object of understanding and policy is again to reach social order and coherence. If technology is marching ahead with seven-league boots, as Professor Beard is wont to say, the conservative will not admit that basic institutions, or that the primary social values, are changing at the same rate. But in judging dynamic elements of inequality in society, the conservative must keep in mind the difference between his primary and secondary conservatism. Social stability postulates historical continuity of political and economic institutions; it means that morality as social cement is steadier than technology. But the techniques of politics and economics need not be placed in the same category; it would mean that property, for instance, is more fundamental than the techniques which make up modern capitalism, and that political experiment within the context of order is not always to be condemned. It would mean that such a word as "democracy" should be looked at through historical perspective rather than through the smoke-screen of ideological emotion.

We live in a time when intellectuals are satisfied with little of the social structure, but much with the concept of natural science and its expansion to cover the social. Intellectuals are now floundering on the shoals of analogy between social and natural science. But natural science is law or probability, while to the rebels social science must answer the enigma of the relation between purpose and process in history. The conservative leans on process as his governor, while the critical thinker struggles desperately to expand the predictability of purpose in action.[21]

[21] The historian who claims to be purely scientific wants to be used by neither radicals nor conservatives. He is interested in the past, which offers some possibility of being certain. He does not claim great insight into the future. However, social thought will not let the historians alone.

THE DILEMMA OF JURISPRUDENCE

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Law, we are accustomed to say, comprises two elements. It is a body of obligatory rules of conduct, but it differs from other obligatory rules, such as moral precepts or the rules of a game, in that it is enforced by the state. On the one hand, law exists as a conceptual system of normative rules; on the other, it dwells as well in the realm of brute fact, where it is something that is "done" or enforced by the state. But here surely is a snake swallowing its own tail, for the state which concretizes law on the level of actuality is itself a creature of the realm of ideality: the state is meaningless except as a legal concept.

What is needed is a treatment of law which will equate the actual practice of government with the conceptual system of rules that are obligatory, not merely upon citizens, but upon government as well. There seem to be good *a priori* reasons for believing that this cannot be done, and for believing, furthermore, that no definition of law in terms of either of the elements alone will be satisfactory.

The American writers loosely grouped as "realistic" have made a thoroughgoing effort to solve the problem by omitting the normative element. With individual variations, these authors have argued that law is simply the behavior of the judge. Since the judge is a man, the law which he makes is a by-product of his personal existence, secreted, perhaps, as a result of a bad breakfast, as a pearl is secreted by an oyster. It is meaningless to talk of law as obligatory, or law as rule. Law is occurrence, on the simple level of fact, and it is not to be discussed in terms of obligation or validity, ideas which are the product of folklore or father-fixation.

This position involves two distinct affirmations. The first is the contention that law is nothing more than the behavior of judges; the second, the assertion that all judicial behavior is law. Neither is tenable. Let us examine the proposition that law can be reduced to the behavior of judges. The objection arises that the very use of the term "judge" implies the normative scheme which the realists deny, for what marks off the judge from other men except that he occupies a preappointed place in a legal scheme? But it may be said that the judge is defined not by law but by function: one discovers who is a judge just as one discovers who is a milkman, by

observation. This is the point of view of "social anthropology," popularized by Thurman Arnold. For its purposes, this view is adequate and admirable; but these differ from the purpose of jurisprudence. The purpose of jurisprudence is to localize law, to identify law as we identify the milkman. But Arnold's point of view gives us no help here. For law cannot include all of the judge's behavior. It cannot be the judge's behavior in the capacity of father, or gambler, or Mason: it is his behavior in the capacity of judge. There is at the core of this identifiable man a Platonic essence, the essence of the judge. His judicial character consists in his correspondence to an abstract category external to him. This category of judge is not the behavior of the judge, but an independent legal norm.

But it may be denied that the judge possesses an abstract character of judgeness. It may be said that law is merely an identifiable part of the behavior of an identifiable man: it is that part which occurs at given hours of the day in courtroom or in chambers. But here again the need for discrimination arises: we must eliminate the process of respiration, and the witty asides to counsel, and the other non-judicial activities which occur simultaneously with the "judicial process." In short, in order to discover law in the behavior of the judge we must know what it is before we begin our inquiry. Law is only a part of the behavior of the judge; and the judge is a man who undertakes behavior of this order. His character as judge, then, is derived from the fact that he practices law; and we have here a legal rather than an anthropological norm for the identification of judges. This is a conclusion we might have anticipated from the beginning, for a functional category, as Socrates demonstrated to Thrasymachus, is a normative category.

It seems necessary, then, to reject the first realist contention, that all law is judicial behavior. This involves also a rejection of the second position, the statement that all judicial behavior is law. The very nature of a functional classification is to constrain behavior within limits, and it is certainly possible for a judge to exceed the limits of judicial office. To call such excessive behavior law is once more to spill law outside the judicial capacity of the judge, and to make it useless as a term of discrimination. This can be demonstrated on the practical level. If law is equated to occurrence, not merely is every occurrence legal, but no occurrence, at least none produced by the judge, is illegal. But law needs illegality

as God needs the devil—a proof, perhaps, of its normative character. Take the mythical case of the justice of the peace who mistook his powers and hanged a man. This, according to the realists, is lawful, for it is the conduct of the judge. Now let us suppose that a superior court hangs the justice of the peace for murder, as would happen according to a properly appointed normative scheme. This also is lawful, for it is likewise the conduct of a court. A view of law which introduces such absurdities into a situation so well understood by ordinary men is surely to be suspected.

It is clear that in the realist scheme the word illegal can have no meaning, and in fact it cannot occur except as a mouthing on the part of the judge. This makes the duties of police officers altogether too easy. There is no need for them to strive for law enforcement, for the actions of supposed criminals are legal; or at any rate they become illegal only when the judge, provoked perhaps by the dyspepsia characteristic of magistrates, denounces them as such. A record of one hundred per cent legality cannot be improved; why hale persons before the police court?

The realists have not taken up this position without provocation. Apparently the decisive factor impelling them to their conclusions has been observation of the judicial process. No candid observer will deny the allegation of Jerome Frank that a very considerable part of judicial business is determined on some other basis than the application of settled rules to the facts. The law is altogether too fluid and too episodic to be regarded as a regular balancing of the scales. By calling attention to the uncertainty attending the judicial process, the realists have done a great public service.

The feature of obligation rather than the alleged certainty of a normative system of law has been the cause for objection by other writers. Justice Holmes evolved a settled philosophy, echoed also in casual phrases by Justice Cardozo, which attempted to retain the element of certainty and predictability in law, but to banish the idea of obligation. "What I mean by law," said Holmes, "is nothing more or less than the prediction of what a court will do." And Cardozo: "A principle or rule of conduct so established as to justify a prediction with reasonable certainty that it will be enforced by the courts if its authority is challenged . . . is a rule of law."

Apparently the purpose here is to evade the troublesome concept of obligation by defining law simply in terms of human conduct,

but in terms of the predictable aspects of human conduct rather than the personal caprice which is law to the realists. Law is to be assimilated to judicial behavior, but only to the regularities of judicial behavior. This raises the same problem that vexes the realists. If law is predictable behavior, predictable behavior is law. When law abandons its character of obligation and sinks to the level of motivation, it becomes indistinguishable from other motives whose effects are predictable.

There are circumstances under which a prediction as to the outcome of a case can be made with reasonable certainty, and yet we would shrink from applying the name of law to the process. If a judge accepts a bribe, for example, his decision is predictable. It may be law, but is it law by virtue of its predictability? During the "Popish Plot" prosecutions before Judge Scroggs, the charges to the jury were eminently predictable: were they therefore law? The prediction Holmes and Cardozo have in mind is not prediction in terms of uniformity, on the level of invariable behavior, but in terms of conformity—conformity to a set of rules which exist behind the judge, and in some sense are obligatory upon him.

This becomes clear if we analyze their statements. The rule must be so well established that prediction is justified. Perhaps this means that the rule is law if the prediction is a reasonable one, even though it is not vindicated by actual application by the judge. In this case clearly the rule exists apart from the judge, and it is meaningful to stigmatize the judge's conduct as a departure from law. Law, then, has a normative element. Or perhaps the prediction is "justified" only if the court actually applies the rule, and makes the prediction come true. Here we have two choices. Either we regard the rule as being merely motivation in the judge, to be treated as on all fours with other motivation, which, as we have seen, extends the name law to all predictable influences; or else we hold it apart from the judge, and regard his action in applying the rule as some sort of tribute to the rule which justifies the earlier prediction that he would follow it. The first alternative plunges us into the chaos of the realists; the second is a normative conception of law.

The realists, then, have boggled at the definition of law as rule, because it is evident that in many cases the actual behavior of courts does not consist in the application of rules. Holmes has retained the conception of law as rule, but has attempted to oust the

obligatory element. But this attempt is bound to be unsuccessful, for the very nature of a rule is to be normative, and to deprive it of its normative character in favor of predictability is to destroy its identity and sink it in the great mass of predictable motivation. With regard to both attempts to equate law to human behavior, it can be said that law disappears in the process. Certainly human behavior exists, and it is possible to say that "what I mean by law" is all judicial behavior, or predictable judicial behavior. It is possible to say that law is what the judge or the government does. But this is a lifting of oneself by one's boot-straps, for the word "judge" and the word "government" imply a normative scheme of law. Further, it is to deprive law of any meaning apart from what actually occurs, and even the realists, even Holmes, believe in the utility of a definition of law as a criticism of what exists, a normative definition. The attempt to equate law to actuality lops the ideal head from the feet of clay, and leaves a truncated thing which merely is, but is not "law."

On the other hand, treatments of law have been multiplied which define law as a normative, conceptual system of rules without attaching the requirement that these rules be "done" on the level of fact. This is a dangerous game. The creation of ideal realms of fantasy is in some quarters called schizophrenia, and it may be only a question of time before the "heaven of concepts" of jurisprudence which Ihering denounced, and the kingdom of pure money-metal, the gold standard of economics, are added to the roster of delusive retreats from reality. At any rate, it is clear that a normative scheme which has no connection with reality has little claim to be the law of jurisprudence. A definition of law which would permit the Spanish and Mexican and American legal systems to coëxist at the same time in Texas would possess little utility. The test by which law is to be distinguished from other systems of rules is the critical requirement that it actually be enforced, or done, by government. But a definition of law in terms purely of its normative character cannot meet this requirement. According to the champions of the phonograph theory, the law, that "brooding omnipresence in the skies," is valid, whether or not it is successfully applied by the courts. A rule does not lose its normative character by virtue of being violated; it is only descriptive rules which must mirror the facts. So a judicial decision which does not truly recite, in phonograph fashion, the provisions of the

immutable code in the skies simply is not law. A wrong decision is not law. This introduces a cleft too wide to be bridged. What good is a system of jurisprudence which remains in the skies, and is not given effect by the courts? What is the standing of judicial decisions which depart from the ideal code, and are illegal? For practical purposes, one must assume that the courts, like the Archbishop of Canterbury, are not infallible, yet never err. But courts do reverse themselves, and either the earlier or the later rule must be wrong. We must be still more generous to the courts, and must say, with the New Jersey Court of Errors and Appeals, that the present holding is always the right one: "What a court declares to be the law always was the law, notwithstanding earlier decisions to the contrary." Still, at other dates the courts have been in error, and it may prove to be true at some future date that what the courts are at present doing is not law.

The phonograph theory can stand as the representative of all schemes which establish a normative code apart from and behind the government. A constitution which is the will of a popular sovereign mandatory upon a government is the same kind of thing. All systems of rules of this sort purport to be instruments of censorship of governmental action; yet they are actually at the mercy of government, for, as we have seen, it is meaningless to call a rule which is flouted by government a rule of law. The framers of the United States constitution required that "every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him," and declared, further, that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution." Clearly the sovereign authority in the United States has decreed that the President shall have a voice in the proposal of amendments. Not one of the twenty-one amendments was ever submitted to the President for approval or disapproval. In case of a conflict of this sort between the ideal code and settled governmental practice, which is actually law? He would be a bold soul who declared that the amendments were not part of our constitutional law. We gloss over such affronts to the fundamental law by calling them interpretations, but clearly repeal or usurpation would be a better term. No question of popular ratification of

the usurpation can arise, for by its very terms the constitution can be changed only by the amending process. Nor is prescription a possible argument, for *Nullum tempus occurrit regi* is a maxim as sound in American law as in English.

If the standing of the ideal code as law is dependent upon its recognition and enforcement by government, it is clear that the action between law and government is reciprocal. Government derives its standing as government from law, and governmental actions in violation of law are illegal; but law derives its standing from government, and rules not given effect by government lose their legal validity.

It may be worth while to examine the formulas which purport to rationalize this situation. Such formulas must of necessity accept both of the aspects of law with which we began. It is necessary to argue that law exists apart from and behind the judge, confers upon him his legal status and supplies him with rules which are obligatory upon him; but it is necessary likewise that the judge obey and practice these rules, or they cease to be law. To meet our needs, law must constrict the facts like a vise, and yet must yield to the facts like a glove. Simple observation raises serious doubts as to whether there exists a law which meets these tests. Reflection raises doubts as to whether such duality can be meaningful. But let us examine the positions taken in jurisprudence.

The rules must be obligatory upon the judge; they cannot be reduced, as Holmes' definition would reduce them, to mere motivation. That would give us a psychology rather than a jurisprudence. This quality of obligation evidently lies at the heart of the mystery of law. What is the character of legal obligation? It cannot be moral obligation, for we have already rejected this by including as an element of law the requirement that courts actually enforce the rules. Moral obligation cannot stoop to this necessity. We are back at our old dilemma. Solutions of two sorts are offered, in terms of law and in terms of fact. It is argued that the obligation exists and is meaningful only within a postulated jural scheme, and the modesty of this position is thought to disarm criticism. Or, alternatively, it is argued that the obligation of law is a compulsion of the will which actually exists on the practical level.

To ascribe the obligation of law to its legal character involves us either in a circle or in a tautology. The system of rules is law, because it is obligatory, and it is obligatory because it is law. All

attempts to explain the obligation of law in terms of law are attempts to make law self-obligatory. So Jellinek refers law back to a legal sovereign who is a mere abstraction from the rules of law. Kelsen remarks that the nature of law is to be obligatory. But is it possible to confine the discussion of law and its obligation to this rarefied level? An obligatory rule should not cease to be obligatory because it is disobeyed by the courts; and yet this is the fate of a rule of law. Nor is it any solution to pretend that the courts never disobey the rules of law. For one thing, all the evidence is against this assumption. Furthermore, this leaves unresolved the question of the source of the obligation: if law is simultaneously the invariable practice of the courts and a set of obligatory rules, it is by no means clear that the second characteristic does not derive from the first. If the second exists only in the presence of the first, there is surely some sort of dependence, and the attempt to make law self-obligatory is unsuccessful.

John Austin chose the other road and undertook to ground his scheme in fact. As a matter of solemn fact, there is in every political society an uncommanded superior who receives habitual obedience from the citizenry. The commands of this sovereign superior are known as law; they exist in point of fact, and they receive habitual obedience from the courts. The rules exist; they coerce the judges; and they can meaningfully be referred to a human source. Many potent objections have been urged to this scheme: one will suffice here. That is the argument that there is in no society a sovereign capable of enforcing complete subordination to his will. The reply of Austinians is that the sovereign has jural omnicompetence though not factual omnicompetence. The sovereign then possesses authority in fact in the fields in which he can safely issue commands, and possesses legal authority in other fields in which he possesses in fact no power. But in these other fields clearly some person or persons, nominally subject, possess in fact the power of commanding obedience to their will. The sovereign's conduct in refraining from legislating is testimony to their power. Could it be argued that they are in fact sovereign in these fields, and that in other fields in which they hold no veto power they possess nevertheless jural omnicompetence? This gives us an embarrassing plurality of sovereigns and of legal systems.

Of course there is in the modern world, though not in the medieval world, an easy means for distinguishing Austin's sovereign

from these spurious ones. Government is a recognizable institution if not a definable one. But does it become a "legal" institution merely because it is identifiable? Not if the test of legality is the power of enforcing submission to its will, and this is the test that Austin offers us. The wills which do succeed in effectuating their purposes are multitudinous, and by this practical test they can fairly compete with the governmental will for the name of sovereign. What Austin does is to attach the name law to a set of everyday practices in which there does occur with a fair degree of regularity the subordination of will to official command, and then to expand this practical sovereignty, whose power to bind was originally defined as a matter of fact, into a "jural" sovereignty whose authority is not a description of an actual coercion of wills but a purely postulated right to command not dependent upon any sort of obedience. This sovereign is not measurably different from Jellinek's; and this law is still an unmanageable combination of the ideal and the actual.

The question may be stated thus: Can government be defined in terms of law if law must be defined in terms of fact, when the fact is governmental action? Can law be defined in terms of governmental action, if governmental action is measured in terms of law? Is it meaningful to validate law in terms of government, and at the same time to validate government in terms of law? It is submitted that the idea of law necessarily includes both the concept of obligation and the concept of actual practice, and that these two ideas, the world being what it is, cannot be included in the same term. In point of fact, of course, we recognize the stress between these two elements. We recognize that rules of law exert some sort of compulsion upon judges, and that judges exercise a very real power of life and death over rules of law. A practical definition perhaps would read as follows: Law is not a body of obligatory rules, but approximates a body of obligatory rules, which are not completely enforced, but are approximately enforced, by government. It is a denizen of two worlds, which lives in neither, and does not live in both at once. It is a conception peculiar to man, the rule-making animal, a product, perhaps, of the evolutionary development of a gregarious creature. Surely the impossible idea does serve a purpose: it would be difficult to picture a human society which could afford not to make this useful confusion.

The Contest for a National System of Home-Mortgage Finance. Since 1932, the federal government has undertaken new responsibilities in regard to housing and home finance which involve a public investment of more than four billion dollars, contingent liabilities for the security of a private investment of three billion dollars, and the creation of a set of administrative structures that cover the entire nation. Yet, despite the magnitude of this public effort, no new "system" of housing has resulted. It is precisely the striking lack of coherence in the government's program that gives a hint of the variety of forces now competing for control and for advantage in this field.

Not until 1937, after a stormy period of improvisation, was the first workable formula of public housing agreed upon.[1] Surely it is clear that the nation was not preoccupied throughout the depression years with the cause of those most in need of proper dwellings. By 1937 there had already been enacted the Federal Home Loan Bank Act,[2] the Home Owner's Loan Act,[3] and the National Housing Act,[4] all of which dealt with some aspect of housing and none of which made any serious approach to slum clearance or housing for the masses.

Whereas the depression brought no essentially new crisis for the ill-housed, it did represent a critical time for home tenure. Home ownership in this country has always been extensive, and ownership is usually not achieved without contracting some amount of mortgage debt.[5] Thus it was possible for several million home-owners to be caught up in maladjustments of the nation's credit system. That home-owners gained public attention more readily than the less fortunate tenants of slum districts and blighted areas is certainly not to be attributed to the effective organization of the former. There was nothing approaching a "farm holiday" movement among urban mortgage debtors. Home-owner debtors attracted public attention because their salvation would not disturb the status quo—as would public housing—and because their interests were linked for the moment both with the plight of the nation's creditors and with the prospects of recovery for a distressed realty market.

[1] The United States Housing Act, creating the U. S. Housing Authority, was enacted Sept. 1, 1937, 50 *Stat.* 888. [2] Enacted July 22, 1932, 47 *Stat.* 725.

[3] Enacted June 13, 1933, 48 *Stat.* 128. [4] Enacted June 27, 1934, 48 *Stat.* 1246.

[5] Real property inventories conducted in two hundred urban areas from 1934 to 1936 revealed that more than two-fifths of all occupied units reporting were tenanted by owners. Over one-half of the owner-occupied single-family dwellings were mortgaged. Works Progress Administration, Division of Social Research, *Urban Housing; A Summary of Real Property Inventories Conducted as Work Projects, 1934–1936* (Washington, 1938), pp. 7, 9. It is estimated that the national total of home mortgages in 1930 amounted to twenty-two billion dollars. Federal Home Loan Bank Board, *Fifth Annual Report*, 1936–37, p. 6.

The Home Owners' Loan Corporation met the immediate crisis through the wholesale refinancing of a million individual loans amounting to some three billion dollars. But at best H.O.L.C. lending was only a temporary measure, and it is of importance here primarily because it prepared the nation for the steps that were to follow. In spite of its gigantic extent, mortgage refinancing in itself did not serve to divide opinion on any fundamental issues. Creditors were relieved of a crushing weight of frozen assets in a time of great stress, and debtors obtained more favorable credit terms than had ever before prevailed in this country. It was well understood that in the H.O.L.C. no permanent socialization of mortgage lending was intended and no attempt to preserve home ownership irrespective of public cost. There was a good chance that refinancing would be largely self-liquidating if the return of more prosperous times could be awaited.[6] Under the circumstances, it was easy for those normally skeptical of public enterprise to tolerate an unprecedented government operation in direct mortgage lending that must be accompanied by some amount of misjudgment and waste.[7]

If the salvaging of distressed home mortgage debts had been the beginning and the end of government's crisis program in mortgage finance, this study would be little complicated and not very significant. The findings would only confirm what we already know of other types of public underwriting of the nation's credit structure in the same years. But a wide variety of interests were looking beyond the immediate need of stabilization and seeking government aid in restoring and strengthening their position in American housing. There was, to be sure, an insistent popular demand for new and more stringent public regulation, but at the same time government was being urged to put private finance and business to work to help us build our way out of the depression. The ensuing development of federal action must be viewed in terms of the attempt to balance the interests in public control with the interests in promoting recovery, and of the contest of organized groups over the distribution of the direct benefits.

This contest has had the unfortunate result of dividing the government's program into two largely incompatible and competing plans, the

[6] Complete self-liquidation was never imposed as the single guiding principle of refinancing. The President, in his message to Congress accompanying the Home Owners' Loan Bill, stated: "The terms are such as to impose the least possible charge upon the National Treasury consistent with the objects sought." *Congressional Record*, Vol. 77, p. 1618.

[7] Even a subsequent record of H.O.L.C. foreclosures that by 1940 reached some 17 per cent of the original number of loans, and a record of losses in the disposal of acquired properties that averages around a thousand dollars a sale, have brought forth no concerted attack. See the statement made before the House subcommittee at hearings on the Independent Offices Appropriation Bill for 1941 in December, 1939. *Hearings*, p. 1155.

first centered in the hands of the Federal Home Loan Bank Board, the second in the Federal Housing Administration. Both plans seek to strengthen the facilities of home credit through national organization. But the mode of each is quite distinct. The Home Loan Bank plan attempts to unite the strength of local credit *institutions* in a national system bulwarked by central reserve facilities, standardized national charters, and share insurance. The Federal Housing plan, on the other hand, attempts to unify, not the lending institutions themselves, but the form and security of the *mortgage loans* they make. This latter object is to be accomplished through the provision of national premium-paying mortgage insurance for loans of approved standard held by any authorized lending institution.

The Home Loan Bank plan has special appeal for the savings and loan associations because of the essentially local character and isolated position of these institutions, excluded as they are from the benefits of the Federal Reserve System and from the national supply of capital available to the large life insurance companies. Since the savings and loan associations have for many years been the nation's largest single group of home-mortgage lenders, their part in any new mortgage system is not to be considered lightly.[8] But the Federal Housing plan of mortgage insurance fits the special needs, not of the savings and loan associations, but rather of the banks and the life insurance companies which have large idle reserves and which can afford to invest in government-insured loans at a relatively low rate of interest. Approximately one-half of the total amount of F.H.A. insured mortgages today are held by national and state banks and trust companies; nearly 20 per cent are held by life insurance companies; and the savings and loan associations hold only some 11 or 12 per cent.[9] The savings and loan associations, as investment institutions, insist that they must pay more for their funds and cannot make extensive use of mortgage insurance at rates as low as four and one-half per cent. As specialized home mortgage lenders, the associations view with some alarm the spectacular growth of lending insured under terms they cannot hope to control.

Since the federal government is now deeply involved both in the Home Loan Bank Board's program and in F.H.A. insurance, great strain is placed on the administrative capacity of the federal service in any at-

[8] In 1930, there were close to 12,000 savings and loan associations in the United States, with nearly nine billion dollars in assets and over twelve million members. H. Morton Bodfish, *History of Building and Loan in the United States* (United States Building and Loan League, Chicago, 1931), p. 136, table I. Savings and loan associations draw their funds from small share investments of people of modest income. They have loaned almost exclusively on home properties, and their loans have generally been for relatively long terms with regular amortization of principal. See Morton Bodfish and A. D. Theobald, *Savings and Loan Principles* (New York, 1938), Chaps. 7-8.

[9] *Insured Mortgage Portfolio*, April, 1940, p. 4.

tempt to harmonize the conflicting elements. The development of the two federal programs has not called forth more general political comment because the most insistent demands for a revival of construction are being met, and because the contest over methods has not yet been seen as vital except to the financial and business groups directly concerned. None the less, mortgage lenders and construction interests are at present so dependent on government action that the course of public policy is very surely determining the control and the stability of housing finance.

The savings and loan associations established their control of the Home Loan Banks largely by default. The original conception, as envisioned by former President Hoover, had been of a national mortgage reserve system serving no one type but all institutional lenders. In 1930, home mortgage holdings were widely dispersed among a variety of lenders. The savings and loan associations held 31.5 per cent of the nation's total, the mutual savings banks 15.8 per cent, commercial banks 11 per cent, life insurance companies 8.3 per cent, the remaining 33.4 per cent being distributed among individuals, title and mortgage companies, trustees, and other small holders.[10] Because lending was so dispersed, and because terms and interest rates and appraisals varied so widely, private finance had developed no real central home-mortgage banking system, as in Continental European countries.[11]

It was Hoover's ambition to create under government sponsorship and control a sound and conservative mortgage reserve system with authority to issue debentures on the security of long-term amortized home mortgages. Amid the decline of construction activity which was beginning to command public attention after 1930, the President found occasion to launch his plan.[12] The Federal Home Loan Bank Act of 1932 is an excellent expression of Hoover's view of the proper relation of government to private enterprise. The federal government would provide the initiative for organization, but once the home loan banks had been established, they would draw as fully as possible upon the resources of their members for capitalization and management.

Under normal circumstances, the life insurance companies and some of the savings banks might have been persuaded to accept membership in the new reserve system. But in 1932 all lenders were facing an ominous

[10] Federal Home Loan Bank Board, *Fifth Annual Report*, 1936–37, p. 6.

[11] See Melchior Palyi, *Principles of Mortgage Banking Regulations in Europe*, Studies in Business Administration, V, No. 1 (University of Chicago Press, 1934). Mortgage bond houses did make their appearance in this country during the 'twenties, but these houses specialized primarily in large commercial properties, apartment developments, hotels, and office buildings. The private mortgage bond structure collapsed completely in the depression.

[12] See *The President's Conference on Home Building and Home Ownership*, II, Report of the Committee on Finance and Taxation, 1932.

crisis of frozen assets, and it was a most unpropitious time to be talking of permanent measures. Only the savings and loan associations were prepared to make good their opportunity, and now by default they came into uncontested possession of a national reserve system not unlike that which they had for years urged in Washington.[13]

The 12 Home Loan Banks have grown in membership and strength through a steady and unspectacular progress. There are today some 3,900 member institutions, and cumulative advances to them have amounted to some $580,000,000.[14] The Home Loan Banks have won the full confidence of investors, and their five issues of consolidated debentures have regularly been over-subscribed.[15] From the beginning, however, other mortgage lenders have given no sign of grudging the savings and loan associations the services of the new reserve system. Even a government investment of over a hundred million dollars that proved necessary for the opening of the banks was hardly questioned. Although it was recognized that the sale of consolidated debentures could supply the associations with increased mortgage funds, there was little in the reserve bank plan to disturb the mortgage companies, the banks, or the life insurance companies.

At the same time, the savings and loan associations had established for themselves an official sponsor in the Home Loan Bank Board in Washington. The Board promptly took the lead in efforts to prepare the associations for as large a responsibility as possible in this field of finance, and its continued activities in this direction could not fail to draw the fire of competing mortgage institutions. The first challenge involved the establishment of federal associations. Almost unnoticed as a part of the Home Owners' Loan Act of 1933 was a provision for the incorporation under national charter of federal savings and loan associations.[16] Federal associations could be created as new associations or could arise from the conversion or consolidation of existing state-chartered institutions. Incorporation was to be applied for by private parties, and conversion was voluntary. The new "federals" were intended to operate at the side of state-chartered associations, much as national banks operate along with

[13] Since the end of the World War, the savings and loan associations had been urging legislation for a reserve system. In 1919, the Calder-Nolan Bill was introduced, H. R. 7597 and S. 2492, 66th Cong., 1st Sess. The bill was reintroduced perennially in the following sessions of Congress until in 1928 the associations agreed to discontinue the effort. Bodfish, *History*, p. 214.

[14] By 1940, cumulative advances of $581,922,000 had been made and repayments amounted to $400,609,000, leaving $181,313,000 outstanding. *Federal Home Loan Bank Review*, Feb., 1940, p. 163. During fiscal 1939, mortgage loans by member associations accounted for 79 per cent of loans by all savings and loan associations. Federal Home Loan Bank Board, *Seventh Annual Report*, 1938–39, p. 75.

[15] The cumulative amount of all five issues is $142,700,000, all but $48,500,000 of which has now been retired. Federal Home Loan Bank Board, *Seventh Annual Report*, 1938–39, pp. 65–66.

[16] Home Owners' Loan Act, Sec. 5, 48 *Stat.* 132–134.

state banks and trust companies. Each federal was to be subject to the provisions of the act and the regulations, supervision, and examination of the Home Loan Bank Board; and each was to become a member of the Home Loan Bank in its respective district.

When the Home Owners' Loan Act was passed, it was made to appear that the federal associations would fill the gaps left by the financial collapse and would extend the mutual type of lending institution to communities where there had been none before. The question of conversion from state to federal charter was left almost completely undiscussed. The Home Loan Bank Board was well aware that the first necessity was not the establishment of many new institutions. The significant fact in its eyes was that the associations would be *federal* and would form part of a unified national system. The Board had come to recognize a fact that President Hoover had neglected to consider, namely, that a more direct reconstruction of the operative lenders was required than could be accomplished by the very gradual and indirect unifying influence of the home loan banks alone. The federal charter could be an instrument to this end. Even a limited number of federal associations scattered over the country would serve to demonstrate the merits of approved organization and the advantages of home loan bank membership. The Home Loan Bank Board was able to convince the administration that these "outposts" of the federal program deserved full public support.

The establishment of federal associations was aided in a substantial number of cases by Treasury subscriptions to capital. Often the government was by far the major contributor. For example, in the case of the First Federal Savings and Loan Association of Orlando, Florida, the government invested $225,000 against a total private subscription of only $75,957.[17] For the First Federal Savings and Loan Association of Hollywood, California, the proportion was $75,000 against $33,785.[18] In approximately two-thirds of the cases of Treasury investment reported at the end of 1934, the government's share was larger than the total of private subscriptions.[19]

The original amount of $50,000,000 made available by Congress in 1933 for such subscription was augmented two years later by an authorization of $300,000,000 from H.O.L.C. funds to be used for the purchase of full-paid income shares not only of federal associations but of state-chartered associations as well.[20] By the middle of 1938, more than two-thirds of the H.O.L.C. authorization had been invested, $170,000,000 going to

[17] Federal Home Loan Bank Board, *Second Annual Report*, 1934, p. 113.

[18] *Ibid.*, p. 111. [19] *Ibid.*, Exhibit D, pp. 108–136.

[20] 49 *Stat.* 297. The new funds might also be used for the purchase of Home Loan Bank debentures.

federal associations and only $40,000,000 to state-chartered institutions.[21] These amounts are in addition, of course, to the original Treasury authorization of $50,000,000 which had been subscribed exclusively to the federals.[22]

This thorough sponsoring of the federal savings and loan associations did not go unchallenged. Local competitors, particularly the savings banks, were outspoken in their opposition to the seeming partiality of the government. Federal associations, they contended, had been set up in areas already well supplied with mortgage agencies, and local investment was inadequate to assure stability and adequate responsibility. In December, 1936, the National Association of Supervisors of State Banks expressed itself as "gravely concerned" over promotional efforts of the federal government and the dangers of promiscuous chartering of new associations.[23]

Admittedly, new federal associations were approved at first in cities where mutual associations already existed. In some cases the number of charter shareholders was small, and their subscription of a few hundred dollars apiece was supplemented by altogether disproportionate government contributions. It is true that in the beginning a considerable part of the business of federal associations had to do with refinancing of mortgages other than their own,[24] and thus the portfolios of other local lenders were directly affected. In such states as New York and Massachusetts, where the mutual type of institution was well established, and where adequate legislation concerning such had long been in effect, there was special cause for opposition. In some other states, the supervisory authorities have been hostile toward the invasion of their prerogatives by national supervision and examination.

It cannot be said, however, that the promotion of the federal program has been conducted with a particularly heavy hand. The Home Loan Bank Board has made every effort to coöperate with state authorities, the federal charter offers few features not already adopted here and there in some of the states, and federal examination has proved much more exacting than had been the local examinations in many parts of the country. The federal investment program has now come practically to a close. Neither by their numbers nor by their assets are the federal associations

[21] Federal Home Loan Bank Board, *Sixth Annual Report*, 1937–38, p. 144.

[22] At the end of fiscal 1939, investments of the Treasury and the H.O.L.C. in federal associations alone amounted to $217,025,500, or nearly 18 per cent of the entire capital of federal associations. Federal Home Loan Bank Board, *Seventh Annual Report*, 1938–39, exhibits 36 and 37, pp. 200–201.

[23] See *New York Times*, Dec. 10, 1936, 45: 1.

[24] Federal Home Loan Bank Board, *Third Annual Report*, Jan.–June, 1935, exhibit C, p. 36.

in a position to dominate the savings and loan field. Of approximately 9,000 savings and loan associations operating throughout the country, with close to six billion dollars in assets, the federals number only 1,400, with assets of a billion and a half dollars.[25] The federal associations have, however, carried on an active policy of lending and during 1939 accounted for the surprising proportion of 40 per cent of loans made by all savings and loan associations.[26] The results have been considered quite gratifying by the Home Loan Bank Board, and the Board has noted with satisfaction that the example set by the federals has had striking influence in introducing improved organization and procedures throughout the ranks of all the associations.[27]

One further element was necessary to fill out the national structure for the unification and strengthening of the savings and loan associations. This element was federal share insurance. Initially, share insurance was forced on the Administration by the logic of its own banking program. Deposit insurance, provided in 1933 for savings accounts in banks, had the immediate effect of drawing small savings away from the unprotected accounts of the associations. To counterbalance this effect, Title IV of the National Housing Act of 1934 provided a form of insurance up to $5,000 for share accounts in approved institutions. The inclusion of share insurance as a part of the act which created the Federal Housing Administration was a clever strategic move, for it made more difficult an effective opposition to mortgage insurance by the savings and loan associations, and at the same time it avoided the appearance of extravagant federal concern for the welfare of the savings and loan associations alone.

The Federal Savings and Loan Insurance Corporation was established under the trusteeship of the Federal Home Loan Bank Board, and its initial capital was supplied by delivery of $100,000,000 in H.O.L.C. bonds. Further income was to be derived from the premium payments and examination fees of insured institutions. All federal associations were required to become members. State-chartered associations and coöperative savings banks might qualify for its benefits provided they met certain requirements and submitted themselves to the Insurance Corporation's supervision. Share insurance could not be exactly comparable to deposit insurance, since the great part of savings and loan assets are invested in long-term loans and their liquid reserves are of nominal amount. The guarantee must cover the solvency of the institution, not the liquidity of its accounts. Therefore it was provided that shareholders in closed institutions should receive only 10 per cent of the amount of their insured account in spot cash. Of the remaining 90 per cent, they must accept one-half in one-year non-interest-bearing debentures of the Insurance Cor-

[25] *Federal Home Loan Bank Review*, Feb., 1940, p. 161. [26] *Ibid.*, p. 160.
[27] See Federal Home Loan Bank Board, *Fourth Annual Report*, 1935–36, p. 28.

poration, and the other half in three-year debentures. It was considered that a three-year delay would at least place less strain on insurance reserves.

The provision of coverage was liberal, but the acceptance of share insurance has been in no way as complete as the acceptance of deposit insurance by the nation's banks. Beyond the 1,400 federal associations which were required to qualify, only some 800 associations have joined.[28] Since Home Loan Bank membership now includes 3,900 institutions, it can be seen that reserve facilities are still more sought after than insurance. Federal insurance has been of marked benefit in attracting investors, especially to new associations and to those which suffered severely in the crisis;[29] but many associations have been hesitant to accept the restrictions that insurance entails. Requirements concerning reserves, capital structure, and promotion and lending policies are rather strict, and the insurance premium of one-eight of one per cent (originally one-fourth of one per cent) of insured accounts is not an inconsiderable levy. The Home Loan Bank Board is now making notable efforts to qualify further associations by assisting them to reorganize and merge, and by sponsoring local programs to prepare all the associations of a given community for insurance at once.[30] Each new member, if properly qualified, adds just that much strength to the national program and lengthens the arm of federal control as would be possible in no other way.

The risks of the program cannot be reduced to exact actuarial terms, and will of course depend on the strength of public supervision.[31] But if some form of credit insurance is inevitable, share insurance has definite advantages over the guarantee of individual mortgage loans. The former is secured by the entire assets of a lending institution, and its administration can be conducted in terms of general regulations and regular examinations without the need of an elaborate and extended structure of control.

With share insurance, federal charters, and central reserve facilities provided, it might appear that the savings and loan associations were pre-

[28] *Federal Home Loan Bank Review*, Feb., 1940, p. 162.

[29] During 1938 the rate of increase in accounts was as follows: For an identical group of 1,309 federal associations, 21.3 per cent; for an identical group of 547 insured state associations, 6.4 per cent; for an identical group of 901 non-insured associations, 0.5 per cent. Federal Home Loan Bank Board, *Seventh Annual Report*, 1938–39, p. 40.

[30] *Ibid.*, pp. 107–108.

[31] At the end of fiscal 1939, potential liabilities amounted to $1,725,000,000, against which the Insurance Corporation had, in addition to its $100,000,000 capital, approximately $20,000,000 in surplus and reserves. *Ibid.*, p. 113. Through the fiscal 1939, it had been necessary for the Corporation to make settlements in only seven cases, to a gross amount of $390,000. *Ibid.*, p. 112. However, during fiscal 1940, additional contributions were expected to reach approximately a million and a half dollars. *House Hearings on the Independent Offices Appropriation Bill for 1941*, p. 1149.

pared to assume a definite leadership in the field of home financing. But the Home Loan Bank Board's program would bear full fruit only after a period of some years. While that program was still struggling for recognition, it was destined to become overshadowed in public attention by the drive for immediate expansion in the essential construction industry. If the continuity of public policy appears to break abruptly here, this was because no source of private credit could now be neglected in the pursuit of increased housing activity, and because the most available credit was to be found, not with the savings and loan associations, but with the banks and the life insurance companies. Excess bank reserves were already becoming evident at the end of 1933, and this vast store of economic power was a tempting prize.

It was the National Housing Act of 1934, drafted chiefly by the President's economic advisers in the National Emergency Council, that offered an acceptable formula for an immediate expansion of private mortgage credit. In the congressional hearings on the act, it was made plain enough that the major participants in the program were expected to be, not the savings and loan associations, but the banks and mortgage and insurance companies.[32] This shift was possible because presumably a new safeguard of the public interest had now been devised in the control of the *form of mortgage agreement and security*. Safer lending policies would be achieved, not by subjecting mortgage institutions to direct federal control, but by attaching requirements to the offer of government insurance of new commitments. Since private capital lacked sufficient confidence to seek investment unaided, a sufficient public offer of underwriting could expect, at least for the time being, to bring a substantial part of new investment within the reach of public control.

The National Housing Act was finally approved in the closing hours of the congressional session of 1934 with the concerted backing of construction interests[33] and the building trades.[34] The savings and loan associations

[32] See statements before the Senate committee by Horace Russell, general counsel for the Federal Home Loan Bank Board, *Hearings*, p. 67, and by Assistant Secretary of the Treasury Eccles, *ibid.*, pp. 154, 156–7.

[33] For approval by the durable goods industries, see *New York Times*, May 21, 1934, 33: 1, May 24, 1934, 8: 3.

[34] William Green, of the American Federation of Labor, was active in his support of the act. For a statement by him, see *Congressional Record*, Vol. 78, p. 11213. As for the realty interests, their position was somewhat peculiar. In the early months of 1934, the National Association of Real Estate Boards had once again raised the issue of a federal mortgage discount bank for the purchase from individuals as well as institutions of both home and rental property mortgages. *National Real Estate Journal*, Mar., 1934, p. 51. The realty group was not entirely satisfied with the limited provisions of the Housing Bill, but accepted it as at least a first step. *Ibid.*, June, 1934, p. 11, and July, 1934, p. 15. Not until late in 1934 did the National Association declare its formal approval, and then only under the threat of expanded P.W.A. low-rent housing. See *New York Times*, Nov. 25, 1934, 2: 5.

gained share insurance as their stake in the legislation, but the associations recognized very clearly that control was already slipping from their hands. Mortgage rates under F.H.A. terms were to be set at 5½ per cent (if we include the one-half of one per cent service charge at first allowed the mortgagee institution). There was every indication that the Administration would make good its first opportunity to drive this rate still lower if mortgage insurance should be accepted favorably. Such low interest rates would bear heavily on the dividend policies of the savings and loan associations.

In the last few years, the terms of mortgage insurance have become familiar to prospective home purchasers in every community of the nation.[35] Property valuations are determined after inspection by local F.H.A. agents. In the case of new homes, regular inspections are made during construction to assure compliance with standard specifications. Originally, insured loans were limited to 80 per cent of value and 20-year maturity, but after the recession of 1937 these terms were liberalized as an added stimulus to construction.[36] Now, certain new properties in the range of lower cost may be mortgaged to 90 per cent of value and for as long as 25 years.

Insurance of mortgages against default by borrowers is not in terms of cash payments. Mortgagee institutions are required to accept interest-bearing debentures upon transfer of foreclosed properties to the Federal Housing Administrator. The costs of foreclosure proceedings are borne by the lender, and debentures do not mature until after the final due-date of the original mortgage. Thus the lender is still required to share the risks of default. But mortgage institutions can at least count on converting defaulted loans into securities that will bear an even better rate than government bonds. Furthermore—and this has been an important consideration among commercial banks and insurance companies—F.H.A. mortgages are sufficiently standardized in terms and security to be bought and sold among F.H.A.-approved institutions on an almost nation-wide market as the circumstances of individual portfolios may dictate. At first the R.F.C. Mortgage Company, and more recently the Federal National Mortgage Association (both wholly government agencies), facilitated this exchange by its standing offer to purchase F.H.A. mortgages at stated rates from all approved mortgage institutions. To the end of 1939, nearly seven hundred million dollars worth of mortgages were resold by original lenders, certain life insurance companies being the largest takers.[37] Federal

[35] No account can be given here of F.H.A. insurance of modernization loans under Title I of the act. However, it is important to note that in the beginning F.H.A. commitments mainly concerned small short-term modernization and repair loans on very liberal terms. A favorable response by home-owners and by lending institutions opened the way for popular acceptance of the mortgage insurance program itself.

[36] The new provisions will be found in an act of Feb. 3, 1938, 52 *Stat.* 8.

[37] *Insured Mortgage Portfolio*, April, 1940, p. 26.

purchases have represented a relatively small proportion of the whole.[38]

Today, the cumulative amount of F.H.A. insured home-loans is well beyond the two-billion-dollar mark. In this rather spectacular progress, certain facts are quite evident. The plan has been fostered by interest in the revival of construction, not by the credit institutions. The savings and loan associations have campaigned vigorously against mortgage insurance as a whole and against the progressive liberalization of its terms. The banks and the insurance companies themselves have taken little active part in the controversies except for an occasional lament over the shaving down of equities. As to the decline in interest rates, this has been accepted as inevitable. When F.H.A. rates, at the end of July, 1939, were cut from five to four and one-half per cent, the reduction brought forth almost no comment from circles of large finance. That the banks and the insurance companies have participated so heavily in the program is explained by the almost complete poverty of alternative investment open to these institutions. Whatever may be their judgment as to the wisdom of such easy mortgage terms, they stand in no position to carp at the government's provisions.

In the second place, it is evident that the original impetus for mortgage insurance did not come spontaneously from prospective home-owners. It is true that F.H.A. terms have brought new housing to groups somewhat farther down the income scale than formerly. It is true, likewise, that borrowers had welcomed the effect of H.O.L.C. refinancing in reducing mortgage rates on existing debts. But it was certainly not the borrowers who fought the fight for more accessible home ownership. Their support was achieved only by a thorough and calculated campaign of promotion. Small householders were still suffering from the effects of the depression and had to be convinced of the opportunities offered by the circumstances of cheap credit.

The tractableness of borrowers and the almost fatalistic acquiescence of large capital played directly into the hands of the construction interests which from the beginning had been most insistent for a building-recovery program. Private housing was much preferred by realty groups to slum clearance projects, with the disturbing effects the latter were likely to have on prevailing rent structures. Building trades unions were prepared to encourage both public and private housing; their attitude was entirely one of opportunism; employment in house-building was the object, the source of funds and the character of the occupants being of secondary importance.

The leadership of such groups in determining the character of mortgage finance is a most dubious one. Neither the subdivider, the supplier of

[38] At the end of 1939, federal agencies held F.H.A. mortgages aggregating $152,715,654 in original amount, or 8.5 per cent of all insured mortgages. *Ibid.*, p. 3.

materials, nor the employer of labor need be immediately concerned with the ultimate stability of the debts being contracted. None of these elements has been prepared to make any substantial concessions of its own in the program of reconstruction. What hopes there had been of reduced building labor costs were unrealized, since the continued construction of custom-built dwellings by local contractors allowed labor no other security than that of a high hourly wage. The wasteful sub-contract system of building organization, the restrictive building codes established by local ordinance in the benefit of favored groups, the collusion and price maintenance of building material concerns since exposed in federal prosecutions, were not brought into contest.

To satisfy the demand for recovery and to maintain the dominance of mortgage insurance, the Administration has been compelled step by step to relax its requirements and to extend the scope of the program. On the one hand, the conception of a strictly self-supporting insurance fund has been abandoned. Treasury guarantee of F.H.A. debentures, which in the beginning was intended as a strictly temporary measure to insure early adoption, has been extended indefinitely. On the other hand, the benefits of insurance were extended by the recession amendments of 1938 to loans on leaner equities and at reduced premium charges. Furthermore, the amendments of 1938 made really effective for the first time provisions for insuring large-scale rental projects conducted by limited-dividend corporations. Mortgage insurance is no longer concerned overwhelmingly with individual homes and now covers more than one hundred million dollars of debts on apartment developments.[39] These latter projects concern large individual commitments sponsored by commercial developers rather than by prospective owner-occupants. It is significant to note how easily a plan like mortgage insurance, fostered originally in the name of home ownership, can be extended to cover commercial projects as soon as the expansion of rental properties again becomes feasible. If the government was to establish any general control in the mortgage market through mortgage insurance, it was obvious that rental properties could not be excluded. Thus, in spite of increased hazards, such properties have been brought under F.H.A. terms.[40]

It is true that F.H.A. structural and development specifications have had striking effect in curbing the jerrybuilding and the exploitive realty promotions of former days. The efforts of the Federal Housing Administration in this direction are most noteworthy. But this agency is without authority to cope with the more fundamental shortcomings of building

[39] At the end of 1939, premium-paying mortgages on rental and group housing projects amounted to $113,934,775. There were, in addition, outstanding commitments of $25,437,500. *Insured Mortgage Portfolio*, Feb., 1940, p. 17.

[40] See, however, the favorable record thus far of F.H.A. rental projects. *Ibid.*, Apr., 1940, pp. 11–12, 24.

and realty organization in this country. Furthermore, the F.H.A. plan cannot hope to become indispensable to lending institutions. Of course, some holdings of insured mortgage paper may continue to be desirable if facilities remain for easy reassignment of such assets. But it is not at all certain that the withholding of mortgage insurance could curb an unjustified expansion with the same efficiency as its extension has brought forth a wanted recovery. Lenders can escape all too easily to uninsured lending and can still select what part of their portfolios they wish to submit for guarantee.

Certainly the far-flung Federal Housing Administration is at best an unwieldy and difficult organization.[41] It is required to operate at the periphery rather than at the center of the lending system. Uniform lending practice could much better be accomplished if there were means available for setting out mortgage specifications in general terms by some national authority supervising all lending institutions. At present, F.H.A. property appraisals and loan approval must duplicate all the detailed steps of loan-closing normally handled by the lending institutions themselves. Yet the abandonment of mortgage insurance would leave the organization and facilities of American mortgage-lending hardly more effective than they were before.

If the chief objectives of a permanent organization in this field should be stated as uniformity of lending practice through central supervision, and a sound secondary source of national credit on the security of mortgage paper, then certainly it was not the Federal Housing Administration but the Federal Home Loan Bank Board that most nearly approached the basic issues. But the Bank Board's program failed to meet the needs of a dispersed lending system and became isolated. The Board could do little to adjust the savings and loan associations to insured lending, and with the principles of mortgage insurance sweeping the country it was helpless to broaden the base of its membership. Even its greatest permanent assets, conservative policy and unpretentiousness, the Board now seems ready to sacrifice in an attempt to keep step in the rapid pace of recovery lending. Since 1938, the Home Loan Bank Board has urged certain significant amendments to its basic acts.[42] It is proposed to extend the lending authority of federal associations to include loans not only on home properties but on larger rental properties and apartments, provided the latter commitments do not exceed 30 per cent of an association's total loans. The Home Loan Banks would be permitted to accept such mortgages, if not in excess of $100,000, as collateral against advances. Here is

[41] The F.H.A. operates more than 100 field offices. It employs a staff of some 4,000 employees. Currently, its annual administrative expenses exceed $13,000,000. *House Hearings on the Independent Offices Appropriation Bill for 1941*, p. 1091.

[42] See H. R. 6971, 76th Cong.

an unmistakable sign that the associations are not satisfied to remain exclusively home-lenders and intend to expand their activity into the field of commercial developments. But further, it is proposed to reduce share insurance premiums from one-eighth to one-twelfth of one per cent to correspond to the rate charged by the Federal Deposit Insurance Corporation, and to permit the Savings and Loan Insurance Corporation, in its discretion, to meet claims in full in cash. Finally, the Treasury would be authorized to purchase insurance debentures without limit as to amount.

The intent of such a program is evident. The associations must now compete for investment with the banks to a degree that did not exist before the introduction of mortgage insurance. To continue their development, they are attempting to expand their functions and to create for their shareholders' accounts a liquidity approaching that of the savings deposits of their competitors. That such proposals have aroused the vigorous opposition of the savings banks and the Federal Reserve System goes without saying.[43] In this instance, the housing program seemed to be leading to adjustments that concerned primarily the lenders themselves. The issue was now one, not of promoting building activity, but of balancing the relative position in that activity of the various types of mortgage institutions. The construction interests and the Federal Housing Administration remained silent. Nevertheless, it was plainly the insured mortgage program, with its government guarantee, that had brought on the contest.

It is interesting to note that opposition to the amendments resulted not so much from a general conviction that the adjusted terms were unsound as from the hostility of definitely competing groups, themselves dependent on government underwriting but jealous of the position that they had come to hold in this regard. The savings banks contended that the savings and loan associations were asking the government to assure the practical liquidity of share investment without subjecting themselves to any of the restrictions required of deposit institutions. Thus, they claimed, a "third banking system" was being formed that would invade the "proper sphere" of the savings banks.

Here the contest rests for the present, with little prospect in sight except for continued small adjustments of the balance, each move to be dictated by its relation to expanded construction activity. As long as the savings and loan program and mortgage insurance continue concurrently, the two federal agencies must deal with each other at arm's length.

[43] The statements presented before the House committee at hearings on the proposed amendments give every indication of concerted action among the banking interests in preparing their case. See *House Hearings on H. R. 5535 (superseded by H. R. 6971), Seventy-sixth Congress, First Session*, 1939.

Administrative consolidation is hardly feasible, since there is so little common ground either of functions or of policies. The grouping of the Federal Housing Administration and the Home Loan Bank Board's agencies, along with certain other government credit agencies, in a new Federal Loan Agency has accomplished no actual coördination of functions. The staff of the Home Loan Bank Board remains frankly skeptical of the principles embodied in mortgage insurance and has made little attempt to join its efforts with those of the F.H.A., even at those points where collaboration would be most effective. Both agencies have taken it upon themselves separately to provide the basic statistical data on housing finance to meet a need for official information that has long been neglected. Field studies of neighborhood value-trends in some cases have covered identical areas. Yet each of the two agencies, in its acknowledgment of helpful relations with other government offices, make no mention of the efforts of the other. In the management of acquired properties, there are numerous untapped opportunities for collaboration between H.O.L.C. and F.H.A. field officers, and these opportunities will multiply as the load of F.H.A. property management increases.

It is unfortunate that the government's program for housing finance has become so bifurcated. Yet, as long as the American system of mortgage-holding remains so dispersed, no other result could easily follow. Since it is obvious that commercial banks and the large life insurance companies must find an outlet in this field for at least a part of their investment funds, home-mortgage lending cannot in this country become an entirely specialized function. The real need is for a thorough standardization of mortgage terms and realty practice to provide uniform and secure investment paper as the basic materials for a national system of secondary finance. But we have attempted to dodge the issues that are most uncomfortable and disturbing. Recent attempts by federal and state governments to end monopolistic and predatory practices in the building supply industries and among the building trades unions appear to be only half-hearted. States and municipalities have moved all too slowly toward an effective local regulation of realty promotions. Control of the investment policies of life insurance and mortgage companies, commercial banks, and state-chartered savings and loan associations is still haphazard. And there is a surprising lack of collaboration even among national agencies such as the Federal Reserve System, the national bank authorities, and the Federal Home Loan Bank Board.

In an immediate sense, it was undoubtedly a clever move on the part of the Administration to draw together all the interests in recovery under such a federally supervised program as that of mortgage insurance, which could illustrate new principles of lending where these would be most evident to all. But we should be most credulous to suppose that safe and ap-

proved practice will be adopted voluntarily after only a brief period of schooling by the Federal Housing Administration. The federal program has built a superstructure to a system that already had demonstrated its weaknesses. It is a great misfortune that those who are acting as the architects of the present plan have neglected to lay their foundations in more reliable credit, realty, and construction support.

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Judicial Elections and Partisan Endorsement of Judicial Candidates in Minnesota. All judicial officers in the state of Minnesota, including the chief justice and six associate justices of the supreme court and fifty judges in the district courts, are required to be nominated and elected without partisan designation. Judicial nominations and elections were made nonpartisan by the election law of 1912.[1] During a quarter of a century, the nonpartisan ballot has given Minnesota the services of an exceptionally well qualified bench, and sentiment is practically unanimous in favor of continuing this method of selecting judges.

Once elevated to the bench, a Minnesota judge has a good chance of continuing in that capacity as long as he wishes to serve. Supreme court justices have been regularly reëlected; so that their tenure has been, for all practical purposes, the same as that of federal judges. Three of the present members of the supreme court have been elected once, two have been elected twice, one three times, and one four times. With one exception, the supreme court justices since 1912 have retired from office by resignation or death.

Of the eighty-four district court judges who have served since 1912, only four have been defeated at the polls when seeking reëlection. At the present time, thirty-six of the state's fifty district court judges have been elected two or more times, and twenty-three have been elected three or more times. The following table shows the number of times the present members of the district court bench have been elected:

Number of judges	*Number of times elected*
14	1
11	2
13	3
6	4
2	5
1	6
1	7

[1] *Minn. Session Laws* (1912), Ch. 2, Sec. 2. This article is based upon a study of pertinent statutes and election returns and personal inquiry among present and past members of the bench and bar.

The constant reëlection of judges means that the average age of incumbents tends to be high. Consequently, deaths in office and voluntary retirements on account of illness or old age have been relatively frequent. The law provided that vacancies in both the supreme court and the district courts shall be filled by appointments by the governor for the unexpired terms.[2] The result has been that a large majority of the judges have been brought into office in the first instance by executive appointment.

The four chief justices of the supreme court who have served since 1912 were all appointed in the first instance by the governor. Eight of the ten associate justices who have served in the same period came into office in the same way.[3] Executive appointment has not been used as a means to defeat the purposes of the nonpartisan ballot. Successive governors have risen above narrow partisan considerations to select well-qualified lawyers enjoying the confidence of the bar and public. The general popular approval of the appointments made by the governors is shown by the fact that since 1912, when the nonpartisan ballot was adopted, there has been only one instance in which a supreme court justice appointed by the governor was rejected by the people in the next ensuing general election.[4]

All seven present members of the supreme court came into office originally by appointment by the governor. Of the fifty state district court judges now on the bench, thirty-one were originally appointed by the governor. Four other members of the present district court bench received previous appointments as municipal judges or judges of probate, and were subsequently elected as district court judges. Thus practically three-fourths of the present judges of the district courts came to their present positions, not by election, but by appointment.

In Minnesota, the nomination and election of judges on nonpartisan ballots has actually been a plan of filling judicial posts by executive appointment, with popular ratification. In view of the record, it would hardly be logical to argue that Minnesota would get judges of a higher caliber and better qualifications if she discarded her system of popular election by nonpartisan ballot in favor of gubernatorial appointment.

An interesting feature of judicial campaigns is the attitude of the State Bar Association. The Association has usually endorsed all the incumbent supreme court justices who were running for reëlection, regardless of their party affiliations. The bar has taken the position that the incumbents should be retained, even though a majority of its members may be strongly opposed to the policies of certain incumbent judges.[5]

[2] Minn. Const., Art. VI, Sec. 10.

[3] The exceptions were Justices Hallam and Quinn, who were elected directly to the supreme court in 1912 and 1916, respectively, without having been previously appointed by the governor.

[4] The exception was Justice Schaller, who was defeated in 1916.

[5] The sentiment of the bar is, however, sometimes revealed in the size of the vote

The justices of the supreme court of Minnesota have adopted a rather interesting method of campaigning for reëlection, which has contributed to their permanency of tenure. For many years it has been the practice of the judges seeking reëlection to campaign together, irrespective of their partisan affiliations. The result has been that it is a case of the incumbents against the field. From a practical standpoint, the scheme has been very successful. Since the enactment in 1912 of the law extending the non-partisan ballot to judicial primaries and elections, this system of "one for all and all for one" has been almost unbeatable. Thus at each general election, the two or three justices who are up for reëlection, or for the first election after appointment, have always had their names appear together in newspaper advertisements and campaign literature. In every respect they have made common cause together.

Beginning with 1930, when the Farmer-Labor party first captured the governorship, it soon became apparent that there would be some attempt to break up these campaign combinations, which allowed liberal and conservative judges alike to unite for election purposes. The established practice received its first test in 1934, when Chief Justice John P. Devaney and Associate Justice Julius Olson, both appointees of the late Governor Floyd B. Olson, were up for election. Neither the liberal tendencies of these judges nor their sympathetic attitude toward the policies of the Farmer-Labor party in Minnesota was any secret; yet both campaigned with Associate Justice Hilton, a Republican who was up for reëlection. In spite of protests from the leaders of the Farmer-Labor party, Chief Justice Devaney insisted that all three judges campaign together, regardless of the differences in party alignment.

No question was raised in the general election of 1936, because neither of the incumbents running for reëlection was an adherent of the Farmer-Labor party. In 1938, however, the situation closely paralleled that of 1934. Both Chief Justice Gallagher and Associate Justice Harry Peterson were endorsed by the state convention of the Farmer-Labor party. The convention also endorsed a third candidate, as conclusive evidence that the party was opposed to the reëlection of the incumbent Justice Loring (Republican). This latter endorsement also showed that the Farmer-Labor party was opposed to the practice of having judges whose sympathies were with the Farmer-Labor party campaign with men not committed to the party's policies.

Once again, however, the supreme court justices paid little heed to the wishes and actions of the Farmer-Labor party. In 1938, the three above

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on endorsement. In 1938, the State Bar Association endorsed Justice Loring (Republican) by a vote of 1,723 and Justice Peterson (Farmer-Laborite) by a vote of 977. At the general election, Justice Peterson received 528,456 votes to Justice Loring's 407,237.

mentioned justices formed an alliance as close as any established by their predecessors, and as usual were successful at the polls. The effects, then, of partisan endorsements for candidates for election to the supreme court of Minnesota have so far been negligible.

The nonpartisan ballot was doubtless a hindrance to the Farmer-Labor party during its rapid rise to power in so far as it tended to favor the incumbent judges. With partisan designation for judicial candidates, Minnesota's experience might have been similar to that of the neighboring state of Iowa. One accompaniment of the replacement in Iowa of the long-established Republican administration with a Democratic one in 1932 was a complete renewal of the composition of the supreme court. With partisan designation for judicial candidates, Democratic judges were swept into office along with the rest of the victorious ticket. In 1932, three Democrats were elected to the supreme court of Iowa; three more were elected in 1934, and three more in 1936. On the other hand, the Farmer-Labor party might have suffered a still more serious defeat in 1938, if its two candidates for the supreme court had been required to run on a partisan ballot; for in that election the party ticket was emphatically rejected by the people.

While endorsements of candidates for the supreme court by the Farmer-Labor party have had little effect on the outcome of the elections, the same does not hold true for district court elections. An examination of the election returns for district court judges reveals that incumbent judges met with more opposition after 1930, when the Farmer-Labor party had its first great success, than before that date. In 1926, one-half of the fifteen incumbent judges who were up for election were unopposed, while in 1934, only one-sixth of the eighteen incumbents had no opposition. Much of the opposition with which incumbent judges have been forced to contend has come from candidates who had Farmer-Labor endorsement. The incumbent judges in the judicial districts which include the three metropolitan centers (Minneapolis, St. Paul, and Duluth) are more frequently opposed at the polls than their colleagues elsewhere, for the three cities are the Farmer-Labor party's greatest strongholds.

Not only have the district court judges had more opposition in recent years, but the opposition has also been of a more formidable character. Of the incumbent judges on the bench who were up for election in 1930, practically all were elected with comfortable margins; but several of these same judges narrowly escaped defeat in 1936. In Duluth, which is the largest city in a strong Farmer-Labor area, a veteran judge was defeated by a Farmer-Labor endorsed candidate.[6] In Minneapolis in the same year,

[6] The defeat of Judge Grannis of Duluth in 1936 marks the fourth time that an incumbent district court judge has been defeated in the last twenty years.

Farmer-Labor endorsements ensured election for a judge who had been appointed to fill a vacancy, and nearly spelled defeat for other incumbent judges.

The practice whereby supreme court justices campaign together goes far to nullify the effect of party endorsement. When the justices of the supreme court who have received the endorsement of the Farmer-Labor party insist upon campaigning with another incumbent whose defeat is desired by that party, they in effect accept the party's blessing for themselves, but reject the endorsement of another Farmer-Labor candidate to oppose their incumbent colleague. In spite of the fact that similar practices have developed in district court elections, notably in the metropolitan districts, Farmer-Labor endorsements have been considerably more effective in these contests.

One reason why partisan endorsements for candidates for the district courts have been more effective is that more active campaigns are carried on within the judicial districts. The Farmer-Labor party has not hesitated to endorse candidates for the supreme court; but once it has come out with a public endorsement for a supreme court candidate, little is done by way of state-wide publicity. This is explained in part by the fact that it is difficult to carry on an active state-wide campaign for a candidate who will have no party designation after his name on the ballot. It is also quite possible that the Farmer-Labor party has been reluctant to campaign too openly for a supreme court candidate because in so doing it lays itself open to attacks from both the Democratic and Republican parties on the charge that such action is really circumventing the law relating to nonpartisanship in judicial elections.

In district court elections, however, the Farmer-Labor party wages active campaigns for the judicial candidates that it has endorsed. Printed cards are distributed bearing the picture of the candidate in addition to information showing that the candidate is affiliated with the Farmer-Labor party and has its official sanction. These campaigning methods have proved effective, especially in the metropolitan areas. The experience tends to show that the Farmer-Labor party can campaign openly for its judicial candidates within a district, with little of the criticism that doubtless would fall upon it if it attempted the same on a state-wide scale.

Spokesmen of both the Republican and Democratic parties in Minnesota have made frequent protests against the practice of endorsing judicial candidates. Indeed, such action has been attacked by party leaders as being not only contrary to the spirit of the nonpartisan election law, but actually a violation of the statute. The latter interpretation, however, seems to be erroneous in the light of a recent decision of the supreme court of Minnesota on this very question. In Moon vs. Halver-

son,[7] the court held that the nonpartisan elections law[8] does not prohibit a candidate for a nonpartisan elective office from procuring the endorsement and support of his candidacy from a political party. "In our democratic system of government," said the court, "there is nothing wrong in groups or political parties doing their utmost *within the scope of propriety*[9] to advance the candidacy of an individual satisfactory to them. The candidate for the nonpartisan office is not thereby rendered a party candidate. Rather he is an individual supported by a party and free to encourage support from other sources, political and non-political."

In this case, however, Justices Loring and Olson,[10] while concurring in the decision, took exception to the language in the opinion which tended "to place the stamp of this court's approval on party endorsements of non-political candidates, especially as to those endorsements of judicial candidates." Speaking for the minority, Mr. Justice Loring seized upon the opportunity to deliver a disquisition on the subject and said: "I realize that the statute does not forbid party endorsements of any non-political candidate. Nevertheless . . . their impropriety in the case of judicial candidates seems most obvious."

Various proposals have recently been advanced to curb party endorsements, such as to make it an offense to "distribute tickets or other sample ballots" containing the name of endorsed candidates for the judiciary. As yet, however, none of these proposals has been adopted.

On the whole, it may be said that most of the evils which might be expected from a system of popular judicial elections do not exist in Minnesota. While the nonpartisan ballot gives the incumbent judges a decided advantage, nevertheless some flexibility is given to the system by reason of the fact that more than three-fourths of the judges are appointed in the first instance. Thus it is possible for a governor who has received a mandate from the people to make judicial appointments acceptable to them. In this way it is possible to appoint men to the bench who reflect the views of the appointing power and his party with virtual assurance that they will be reëlected. Yet, at the same time, the system militates against an entire turnover of the judiciary in rapid-fire succession, which may easily be the case where judges are elected on a partisan ballot.

It is difficult to say what attitude the Farmer-Labor party will take toward endorsement of judicial candidates in the future. Quite possibly it will continue to make endorsements, especially in those districts in which the party is strongest. In any event, it must be conceded that the use of

[7] Minn. Sup. Ct., Nov., 1939. This case involved the office of register of deeds, which by statute is a nonpartisan office, the candidates for it being placed upon the ballot without party designation.

[8] *Mason's Minn. Statutes*, Vol. I, Sec. 294 (1927). [9] Italics in original.

[10] Justice Loring is a Republican and Justice Olson is a Farmer-Laborite.

the endorsement to nullify the effect of the nonpartisan ballot has been an effective weapon in district court elections, and may likewise prove effective in supreme court elections if the Farmer-Labor party succeeds in developing more discipline and control within its own ranks. It is also safe to assume that the endorsement of judicial candidates will be more frequent during years when the Farmer-Labor party is riding high in popularity than in years when the party's electoral strength is at a low ebb.

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Another Chapter in Michigan Civil Service Reform. The civil service scene in Michigan has changed so rapidly in the last few years that it has been difficult for persons in other areas to keep abreast of developments. Thus, while in 1936 Michigan knew little of merit in public employment, 1937 found her in the vanguard of the reform movement. In that year, the recommendations of a study commission were embodied in a comprehensive civil service system by a Democratic administration. The year 1939 brought an almost complete reversal of policy with the passage of a Republican "ripper" act. Today another development is in the process of maturing. A civil service amendment to the state constitution was adopted in the November election of 1940.

It is not the purpose of this article to review the details of the history of Michigan's civil service movement, for this has been done elsewhere.[1] Suffice it to say that Michigan's experience with spoils politics was neither better nor worse than that of other jurisdictions; the recommendations of the Civil Service Study Commission, of which Dr. James K. Pollock was chairman, are now well known; the excellence of the state's merit system under William Brownrigg has also been generally recognized.[2]

However, three developments remain to be discussed: first, the contents of the "ripper" legislation; second, the effects of that legislation upon the present personnel situation; third, the proposed constitutional amendment.

The civil service act passed by the Michigan legislature in 1939 contained a number of devastating provisions. In the first place, it sharply curtailed the classified service. In the second place, it attempted to make full-time officials of the members of the Civil Service Commission instead of leaving administrative authority in the hands of the director. Third, the agency's appropriation was so reduced as to necessitate a serious reduction in its staff, with consequent decrease in the number of services performed. Fourth, the legislation provided for increased preference for veterans and a very substantial preference for former state employees. There were also a number of other changes which served to weaken the central personnel agency.

Accompanying the legislature's attack upon civil service were a series of executive actions designed to accomplish the same end. The most serious was the replacement of all members of the original Civil Service Commission by persons who had been involved in partisan political activities, and whose attitudes toward civil service were either indifferent or an-

[1] See the author's article in *Personnel Administration*, Vol. 3, No. 4 (Dec., 1939).

[2] James K. Pollock, "Michigan's First Year of Civil Service," *National Municipal Review*, Vol. 28, No. 1 (Jan., 1939).

tagonistic. With this departure of the original commission came lackadaisical support for the basic principle of merit in selection.

At the same time, the governor's office tacitly condoned the extensive requests made by department heads for broadening the definitions of the types of work exempted under the terms of both the 1937 and the 1939 acts, so as unnecessarily to expand the unclassified service. It may now confidently be said that these strained definitions were responsible for at least 20 per cent of present exemptions from the classified service. The attitude of the "front office" was further illustrated, of course, when the governor refused to veto the "ripper" act.

As a result of these legislative and executive actions, the entire system suffered tremendously. One of the most apparent of the changes lay in the size and character of the revised classified service. In March, 1940, the classified service constituted but 51.1 per cent of the total service, as contrasted with 90.7 per cent in January, 1939. Again, it is significant that of the ten hierarchical levels into which the whole state service is divided, the process of declassification fell the hardest upon the upper five. Thus, the percentage of the whole classified service which fell into the fifth group from the top was reduced by one-half, and similar reductions resulted from declassification in the other higher brackets. Again, the facts show that in 1938 14.5 per cent of the positions in the classified service were in the salary levels above $1,800, whereas in 1940 only 9.6 per cent of the classified positions fell in those levels. The general tendency has been to bunch the classified positions into the salary range from $1,080 to $1,500 per year.

The extent to which this process of declassification, as well as the general process of tinkering with the state classified service, has destroyed the service's career aspects is illustrated by the reasons which former employees have indicated for their separation from the state service. In 1939, 1,232 persons resigned from the classified service. Two hundred and sixty-four, or 21.4 per cent, of these indicated that they were leaving "to accept a position with a better future"; 220, or 17.9 per cent, left "to accept a position with a higher salary"; 41, or 3.3 per cent, indicated "uncertainty of the job" as their reason for resigning; and 21 listed "unsatisfactory working conditions" as the cause. Thus, a total of 506, or 45.9 per cent, directly attributed their resignations to the unsettled conditions of state employment. Here is specific and rather eloquent confirmation of the fact that reduction of the classified service, political dismissals, and inadequate compensation have all combined to make the state service far less attractive than it can afford to be if it is to be a career service composed of well trained and satisfied employees.

Further consequences of this process of declassification are manifold. For example, personal service costs in 1939 were $2,777,832.48 higher

than in 1938, although the state employed an average of 371 fewer per month in 1939 than in 1938. The consequences of this process of declassification are illustrated, too, in the increased personnel turnover not only in the state service as a whole but in the classified service itself. In 1936, the Civil Service Study Commission discovered that before the inauguration of a system of civil service, personnel turnover amounted to 17.7[3] per cent. In 1939 (after the passage of the "ripper"), the personnel turnover in the classified service alone amounted to 21 per cent, while the turnover in the whole state service totaled 27.5 per cent. The unnecessary cost of this increase is, of course, tremendous.

One of the most potentially vicious features of the "ripper" act was the substantial preference which it granted to persons having previous state employment. The act provided "that each person competing in any test who has had four years' previous service with the state in the same or in any similar class of employment shall be given an earned credit of 10 per cent and if, at any time, he had more than four years of such service a 2 per cent additional earned credit for each additional year of such service, such earned credit for previous service in no event, however, to exceed a total of 60 per cent." There can be no question but that any measure contemplating a 60 per cent preference for previous state service is decidedly incompatible with the principle of merit in state employment. Fortunately, this provision has not as yet been extensively employed by persons seeking state appointments. Furthermore, the deleterious effect of such a provision has been considerably mitigated by reason of the fact that a competent staff has interpreted the credit as being available only to those persons who first pass the examination without its aid. In other hands, it might very well prove unfortunate.

It should be understood also that the compensation plan established in 1937 has never been revised and, to all indications, is now seriously outdated. Wage scales in an industrial area such as Michigan change rapidly, and for the state to fail to adjust to these conditions inevitably results in either an injustice to the taxpayer or a reduction of the quality of state personnel. That the latter is probably occurring in Michigan today is indicated by the turnover figures previously referred to.

Again, attention should be called to the fact that the state classification plan prepared in 1937 has not been revised and is similarly antiquated in many important respects. As a consequence of its inadequacies, many department heads have reacted against the whole concept of a central personnel agency selecting employees on the basis of merit.

Finally, it should be pointed out that the present Civil Service Commission is operating on a budget of less than shoestring proportions. In the first year of its operation (1938), the Civil Service Department spent

[3] *Report of Civil Service Study Commission* (Lansing, 1936), p. 43.

a sum of $203,756.[4] In painful contrast with this is the 1939 legislative appropriation of $75,000 for each year of the biennium. During the fiscal year ending June 30, 1940, the Commission spent approximately $103,000, because it had been granted additional funds by the Emergency Appropriations Commission. Whether or not it will be possible for it to operate during the current year on its reduced appropriation is a very serious question. As a result of the reduction in appropriation, the Civil Service Department's staff has been reduced from about 100 to only 39 persons, only 12 of whom may be said to be technicians.

In short, the facts of the situation indicate that the present civil service picture in Michigan is much less satisfactory than that existing in 1938. It is necessary that these facts be kept in mind if the observer is to understand the present reform effort; for it was with this background that civil service advocates in Michigan drafted the recently adopted constitutional amendment.

In calculating the strategy of reform, there are those who insist that it is best to work within the framework of an existing political situation by inducing executive and legislature to accept merit principles by persuasive rather than by coercive methods. Such persons remind us that reform is a long-term program, and that, to be satisfactory, it must have the support of all of the political factors within the situation. To these persons all coercive measures such as constitutional mandates violate the basic psychological principle inherent in their own approach.

In weighing the facts of the situation, the Michigan proponents of the merit system gave careful consideration to this point of view. Many of them were personally inclined to prefer the type of action which was implicit in it; yet they could not but be impressed by the history of similar efforts in other jurisdictions. After careful consideration, it seemed to them that reform, for the most part, follows from determined and decisive public action rather than from piecemeal educational efforts.

In analyzing their own and other citizens' organizations, these people were obliged to conclude that probably the reason for this type of pattern of the reform curve lay in the nature of their own organization. In other words, it seemed to them that citizen reform movements gathered momentum slowly, built up to a psychological peak with the realization of the reform, and then dwindled into ineffective remnants. As they saw the problem, a successful reform movement consists of a series of such cycles separated from one another by a number of years of relative inactivity. Theirs was reform by the spiral method. A program calling for sustained educational effort on the part of a citizens' organization over a long period of years seemed to them to miss the point of the lesson of the history of American popular movements.

[4] Pollock, *op. cit.*, p. 35.

The amendment drafted was particularly designed to be more nearly self-executing than any civil service amendment in America today. It is custom-built to the psychological pattern of this reform movement; to disagree with it in part is to disagree with that pattern, and to disagree with that pattern is to disapprove of the structure of the amendment itself.

Specifically, the amendment first describes the classified service, which includes "all positions in the state service except those filled by popular election, heads of departments, members of boards and commissions, employees of courts of record, of the legislature, of the higher educational institutions recognized by the constitution, all persons in the military and naval forces of the state, and not to exceed two other exempt positions for each elective administrative officer and each department, board, and commission." It is estimated that the amendment would include approximately 15,298 of the 16,666 positions in the state service. The reason for the exemptions must be clear. For the most part, the exempted consist of persons having policy-determining functions or else in higher educational activities which are operated under separate constitutional jurisdictions.

In the second place, the amendment calls for administration of the civil service system by a "non-salaried civil service commission to consist of four persons not more than two of whom shall be members of the same political party, appointed by the governor for eight-year overlapping terms . . . " The administration of the commission's powers is to be vested in a state personnel director "who shall be a member of the state civil service and who shall be responsible to and selected by the commission after open competitive examination." The amendment seeks to set up a system in which the actual administration is conducted by a competent personnel director, who is to be advised by, and in the last analysis checked by, a non-salaried, bi-partisan commission.

Third, the amendment vests the commission with the following broad powers of personnel control: the classification of all positions in the state civil service according to the usual criteria of duties and responsibilities, preparation and adoption of a comprehensive compensation scheme for all classes in the state service, approval and disapproval of all personal service disbursements, regulation of all conditions of employment in the state service, preparation and administration of competitive examinations, and the drafting of such rules and regulations as may be necessary to carry these personnel powers into practice.

Fourth, provision is made for a partially closed "back door." The amendment specifies that "no removals from or demotions in the state civil service shall be made for partisan, racial, or religious considerations." The reason for the partially closed "back door" arises from the state's recent unsatisfactory experience with a completely open "back door."[5]

[5] See the author's "Case Study of the Open Back Door" in a forthcoming issue of the *National Municipal Review*.

The lesson of this experience indicated that restoration to a reëmployment register is but little protection for employees who are dismissed in large numbers for political reasons.

Fifth, it is provided that the legislature shall have a minimum of control over the personnel system by reason of the fact that the amendment requires the appropriation of "a sum not less than one per cent of the aggregate annual payroll of the state service for the preceding fiscal year as certified to by the commission." Such an appropriation would amount to approximately $250,000 a year. This, it is submitted, is a sufficiently large sum with which to administer a program for a total of 17,000 employees. The per centum formula was used rather than a fixed sum in order that the amendment might the more readily adjust to changing personnel conditions.

The amendment contains a feature which it is hoped will insure the execution of all the sections of the amendment. This feature provides that "after August 1, 1941, no payment for personal services shall be made or authorized until the provisions of this amendment have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state." By specifically prohibiting the payment of any personal service item and insuring that prohibition by specific provisions for citizen action, it was hoped that it would be possible to compel compliance with all of the sections of the amendment. The appropriation section is one which it might be expected that the legislature would disregard. Yet were it to do so, under the terms of this final section of the amendment no disbursing officer would be allowed to make any salary payments, including those to the governor and to the legislators themselves, until the appropriation for the civil service commission should have been made. The provision was deliberately designed to stall state administrative machinery in the event of the failure of the legislature or any administrative officer fully to satisfy his portion of the requirements of the amendment. In other words, in order to meet a situation which they found to be highly unsatisfactory, the advocates of civil service in Michigan have designed a self-executing amendment.

Throughout the amendment the attempt has been to insure the protection which comes with rigid principles without at the same time forcing that rigidity of detail which too frequently gluts modern state constitutions. Among students of government there must be few who would contend that the half-dozen specific provisions of this amendment will unduly burden Michigan's voluminous constitution.

Effective as of January 1, 1941, the amendment requires the performance of three steps to set it in operation: (1) appointment by the governor of the new commission, which will "supersede all existing state personnel agencies and succeed to their appropriations, records, supplies, equipment,

and other properties"; (2) selection of a state personnel director by the commission by means of an open competitive examination; and (3) an appropriation by the legislature, as specified.

The new Democratic governor has already set the first two processes in motion. The legislative appropriation will be much slower to materialize. In fact, considerable difficulty may well be experienced by the backers of civil service in persuading the legislature to make the appropriation at all. In such an event, it will be necessary to employ the coercive device already discussed. If this is vigorously undertaken, or should it prove unnecessary, Michigan will be well provided with the essentials of a sound and permanent personnel program.

To personnel administrators and merit enthusiasts in other jurisdictions, the most significant part of the Michigan effort will be the effectiveness of the self-executing amendment as a device for imbedding programs whose tenures are all too uncertain. If it is successful in Michigan, the device may find widespread support. If it fails, it will provide a case study in the futility of "whole-hog," coercive programs. In either event, Michigan's experience will be useful to others.

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Organization of the Executive Branch of the National Government of the United States: Changes between July 16 and November 15, 1940.[1] As in previous lists, mention is here confined generally to units specifically authorized by law or established by the President by executive order or Reorganization plans under general authority vested in him. Changes in units created by heads of departments or independent establishments are excluded unless of major importance.

Administrator of Export Control. Authorized by Executive Order 8567 of October 15, 1940, and Administrative Regulation of the same date to administer the provisions of the act of October 10, 1940 (Public 829, 76th Congress), authorizing the President to requisition for national defense any equipment, supplies, etc., the exportation of which has been denied under the provisions of Sec. 6 of the act approved July 2, 1940 (Public 703, 76th Congress).

Advisory Committee on Selective Service. Appointed by the President September 21, 1940, to coördinate plans for selective service. No formal order was issued, the creation of the Committee being indicated by letters to the individual members.

Advisory Committee to Encourage Travel in the United States. Author-

[1] Articles of this character appearing in the REVIEW prior to 1940 are listed on page 1044 of the issue for December, 1939. Later articles have appeared in the issues for June and October, 1940.

ized to be appointed by the Secretary of the Interior by Public 755, approved July 19, 1940. It will consist of one representative each from the Departments of State, Agriculture, and Commerce, the Interstate Commerce Commission, the Civil Aëronautics Authority, and the United States Maritime Commission, to be designated by the several departments or agencies, and not exceeding six representatives "of the various sections of the nation, including transportation and accommodation agencies," to be appointed by the Secretary of the Interior and to serve at his pleasure. The members of the Committee receive no compensation, but are reimbursed for expenses in attending meetings.

Board of Investigation and Research [on Transportation]. Created by Sec. 301 of the Transportation Act of 1940 (Public 785, 76th Congress), approved September 18, 1940, to investigate transportation facilities and services, public aid that has been extended to carriers, and the extent of taxes imposed upon carriers. The Board is composed of three members appointed by the President, by and with the advice and consent of the Senate. Each member will receive a salary of $10,000 a year. The Board is to submit to the President and to Congress a preliminary report by May 1, 1941; it shall also submit an annual report, a final report, and such other reports as it may deem necessary. The Board will cease to exist on September 18, 1942, unless extended by proclamation of the President for an additional period not exceeding two years.

Defense Communications Board. Created by Executive Order 8546 of September 24, 1940, to coördinate and prepare plans for the national defense, such plans to include (1) the needs of the armed forces, of other government agencies, of industry, and of civilian activities, (2) the allocation of radio, wire, and cable facilities, and (3) the measures of control to be developed. The recommendations of the Board are to be submitted to the President for final action. The Board is composed of the chairman of the Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard. In the absence of any member, the agency he represents may be represented by an alternate designated by the head of such agency.

Defense Homes Corporation. Organized October 25, 1940, with a capital of $10,000,000 to assist in providing housing facilities needed for the activities of the War and Navy Departments.

Defense Plant Corporation. Organized August 22, 1940, with a capital of $5,000,000 to purchase, lease, or build plant facilities, including supplies and machinery. It is affiliated with the Reconstruction Finance Corporation.

Defense Supplies Corporation. Organized August 29, 1940, with a capital

of $5,000,000 to acquire and carry critical supplies. It is affiliated with the Reconstruction Finance Corporation.

Health and Medical Committee. Created by Council of National Defense on September 19, 1940, to advise the Council regarding the health and medical aspects of national defense and to coördinate activities connected therewith. The chairman of the committee is Dr. Irvin Abell; the other members are the Surgeons General of the Army, the Navy, and the Public Health Service, and the Chairman of the Division of Medical Sciences of the National Research Council. The committee has appointed subcommittees on medical education, hospitals, industrial medicine, industry, nursing, and Negro health. The members of the subcommittees are not members of the main committee. Each subcommittee is a separate subordinate unit.

Inter-Departmental Committee on Inter-American Affairs. Created by the Council of National Defense August 16, 1940, to consider and correlate proposals of the government with respect to hemisphere defense and commercial and cultural relations. The Committee consists of the Coördinator of Commercial and Cultural Relations between the American Republics, the president of the Export-Import Bank, one representative each from the Departments of State, Agriculture, Treasury, and Commerce, and such representatives from other agencies as may be needed from time to time.

Interstate Commerce Commission. Title II of the Transportation Act of 1940 (Public 785, 76th Congress) approved September 18, 1940, gives the Interstate Commerce Commission the same power over interstate coastwise, inland, and Great Lakes water rates and services as it has over interstate railroad rates. Heretofore the power of the Commission over water transportation has been confined to through rail and water rates. The Transportation Act also transfers to the Interstate Commerce Commission certain powers heretofore exercised by the Maritime Commission.

Latin American Division, Department of Agriculture. Established October 30, 1940, by the Secretary of Agriculture as a part of the office of Foreign Agricultural Relations to coördinate all phases of the program for encouraging production of crops that complement those of the United States, particularly rubber.

Metals Reserve Corporation. Organized June 28, 1940, with a capital of $5,000,000 to acquire and carry stocks of strategic minerals, principally tin and manganese. It is affiliated with the Reconstruction Finance Corporation.

National Park Service. Functions increased by Public 755, 76th Congress, approved July 19, 1940, to include the encouragment of travel within the United States and its possessions. Annual appropriations of $100,000 are authorized.

Office for Coördination of Commercial and Cultural Relations between the American Republics. Created by the Council of National Defense on August 16, 1940, to coördinate activities relating to hemisphere defense, to review existing laws, to coördinate research, to recommend new legislation essential to the basic objectives of the government's program, and to formulate and execute a program in coöperation with the State Department to further national defense and strengthen the bonds between the nations of the Western Hemisphere. The office is headed by a coördinator, who is also a member and chairman of the Inter-Departmental Committee on Inter-American Affairs.

Office of Land Utilization, Department of the Interior. Established October, 2, 1940, by the Secretary of the Interior to administer soil and water conservation activities transferred to the Department of the Interior from the Soil Conservation Service of the Department of Agriculture by Reorganization Plan No. IV. The assistant to the assistant secretary in charge of land utilization has been placed in charge of the new unit. The work of the director of forests of the Department of the Interior has been transferred to the new agency, and it is stated that a division of forests will be established in it.

Permanent Joint Board of Defense, United States and Canada. Created by the President of the United States and the Prime Minister of Canada on August 22, 1940, to make "studies relating to sea, land, and air problems, including personnel and matériel," and "to consider in a broad sense the defense of the north half of the Western Hemisphere."

Priorities Board. Established by the Council of National Defense; creation approved by the President by Executive Order 8572 of October 21, 1940. The Board is empowered to determine the priority of delivery of all contracts for national defense as provided by Sec. 2(a) of the act of June 28, 1940 (Public 671, 76th Congress). It consists of the following members of the Advisory Commission to the Council of National Defense: the Advisor on Industrial Production (William S. Knudsen), as chairman, the Advisor on Industrial Matériels (Edward R. Stettinius, Jr.), and the Advisor on Price Stabilization (Leon Henderson). The Board has designated Donald M. Nelson as Administrator of Priorities.

Rubber Reserve Company. Organized June 28, 1940, with a capital of $5,000,000 to acquire and carry supplies of crude rubber. It is affiliated with the Reconstruction Finance Corporation.

St. Lawrence Advisory Committee. Created October 16, 1940, by Executive Order 8568, to advise the President in regard to the development of navigation and hydroelectric power in the international rapids section of the St. Lawrence River. The Committee consists of Leland Olds, chairman of the Federal Power Commission, as chairman, A. A. Berle, Assistant Secretary of State, Brigadier General Thomas M. Robins of the Board of

Engineers for Rivers and Harbors, and Gerald V. Cruse, representative of the Trustees of the Power Authority of the State of New York. The order directs the Federal Power Commission and the Corps of Engineers, United States Army, to make specific investigations.

Selective Service System. Authorized to be established by the President by the "Selective Service Act of 1940" (Public 783, 76th Congress), approved September 16, 1940. A Director of Selective Service is authorized to be appointed, by and with the advice and consent of the Senate, at a salary of $10,000 a year.

United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson. Created by Public Resolution 100, 76th Congress, approved September 24, 1940, to prepare and coördinate plans for commemoration of the birth of Thomas Jefferson. The body consists of nineteen commissioners as follows: the President of the United States, the presiding officer of the Senate, the Speaker of the House of Representatives, eight persons to be appointed by the President of the United States, four senators appointed by the President pro-tempore of the Senate, and four representatives appointed by the Speaker. The Commission will expire not later than April 13, 1945. An appropriation of $5,000 is authorized.

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FOREIGN GOVERNMENT AND POLITICS

Recent Governmental Reforms in France. In reporting to the French people on the state of affairs in France on June 25, 1940, Premier Marshal Philippe Pétain said: "It is toward the future that . . . we turn our efforts. A new order commences." A new order in France has begun, indeed, even though the character of the French political, economic, and social institutions of the future is not yet subject to definitive determination. With large portions of her territory occupied by German and Italian troops and with all of France at the mercy of her conquerors, the Vichy government has been unable to act with that independence essential to the exercise of full sovereign power. Because of this subjugation to countries still at war, the future of France is inextricably bound up with the outcome of the present conflict. Nevertheless, the "restoration of all that is sound in French life" is well under way, according to Marshal Pétain. This task has been undertaken by a government composed in a large measure of persons who have never enjoyed a wide popular following. For years, criticisms of French democratic political institutions and the practices which surrounded them were not inconsiderable and, although handicapped by the necessity of looking both to Wiesbaden and to the German authorities in Paris, the critics who repeatedly sought to discredit the parliamentary system are now having their innings. Under the normal operation of the French political system, the Pétain cabinets could not have come into power, because it is extremely doubtful whether they could have received the support of a parliamentary majority. The views of such men as Pierre Laval, Paul Baudoin, Admiral Darlan, Pierre-Étienne Flandin, Adrien Marquet, Jean Ybarnégaray, and Marshal Pétain did not coincide with the political temper of the country. With the military defeat of France, however, came the collapse of the Third Republic, and out of the débâcle has arisen an authoritarian régime which has been able to remain in office because it has not been unacceptable to the conquerors of France.[1] Although the anti-democratic Vichy government must be regarded as provisional in character, its reforms are of con-

[1] On June 14, 1940, German troops occupied Paris, and on June 16 Paul Reynaud resigned as premier and was replaced by Marshal Pétain. On that same day, the cabinet voted, 13 to 11, to request an armistice. The armistice with Germany was signed on June 22 and that with Italy on June 24. The government had been moved from Paris to Tours, to Bordeaux, to Clermont-Ferrand, and finally to Vichy. On July 9, 1940, the French parliament assembled at Vichy, and on July 10 the National Assembly adopted proposals for a revision of the constitution. The events of these trying days are chronicled in such sources as the following: A. Maurois, *Tragedy in France* (New York, 1940); H. F. Armstrong, *Chronology of Failure* (New York, 1940); and K. Loewenstein, "The Demise of the French Constitution of 1875," in this REVIEW, Vol. 34 (1940), pp. 867–895.

siderable interest to those who follow political developments in France. It is extremely doubtful whether conditions favorable to the reëstablishment of the Third Republic will again obtain, and the changes introduced by the Pétain régime may well leave their imprint on the France of the future.

It must be remembered that the nature of the armistice with Germany is such that the present government of France has not been able to act independently of external control. The armistice with Italy closely follows the agreement with the Reich. Parts of France are under military occupation and other zones are demilitarized.[2] The French government is obligated to coöperate with the German and Italian military commands, and if at any time the obligations under the agreements are not observed by France, the agreements may be terminated by Germany and Italy.[3] Both agreements provide for commissions to regulate and supervise the execution of their terms, and the Vichy government has had to observe with care the regulations issued by these commissions and their inspectors in France.[4] In virtually all of its acts, the Pétain régime has had to proceed cognizant of its ultimate responsibility to the German and Italian military and civil authorities vested with regulatory powers over France.[5]

When the Senate and the Chamber of Deputies convened at Vichy on July 9, 1940, it was apparent that pro-republican supporters were on the defensive. In the Chamber, the debate on the resolution declaring a revision of the constitution to be necessary began with a plea by President Herriot that recriminations and unfounded assessments of blame be eliminated from their discussions. Xavier Vallat was vociferously supported when he asked that partisan differences be forgotten so that all Frenchmen might unite in a single political faith based upon the ideal of national solidarity.[6] Pierre Laval, however, revealed a willingness to recall

[2] See the German armistice, Arts. 2 and 3; the Italian armistice, Arts. 2, 3, and 4.

[3] German armistice, Art. 24; Italian armistice, Art. 26.

[4] German armistice, Art. 22; Italian armistice, Arts. 23–25. The German armistice commission has its seat at Wiesbaden, and for many purposes this city may be called the true capital of France. The French representative to Wiesbaden has been General Charles Huntziger. There is also a German Administration for France with headquarters at Paris. French cabinet ministers are frequently summoned to Paris by this body. In addition, the German government has designated Otto Abetz as its "ambassador in France," with a roving commission which gives him the power to represent the civil government of the Reich in both the occupied and unoccupied parts of France.

[5] It is possible that the Vichy government possesses some bargaining power at Wiesbaden, to be found in the threat of Pétain to resign and allow the provisional government of France to be reformed elsewhere. For example, if the government were moved to North Africa and if the French military forces in that region were to aid the British in defeating the Italians in Africa, a situation of considerable embarrassment to Rome and Berlin might arise.

[6] Detailed accounts of the first days at Vichy are contained in J. Thouvenin, *Les*

the sins of his opponents during the immediate past in identifying French military defeat with the need to destroy the parliamentary system. French democracy, Laval said, had engaged in "combat against Naziism and Fascism and had lost the struggle; it ought to disappear. A new, audacious, authoritarian, social, national régime ought to be substituted for it. . . . " Laval added: "I have said and I repeat it: a régime which has brought war and defeat is not qualified to make peace."[7] In a lengthy discourse, Flandin supported Laval's views.

Virtually no opposition to Laval's bold request for the establishment of an authoritarian government was expressed. On the contrary, even spokesmen from the Left supported the government motion, although with motives different from Laval's.[8] The Chamber, from which the members of the Communist party had long since been excluded, voted 395 to 3 in favor of the resolution. The vote in the Senate was 229 to 1.[9] The two houses convened as the National Assembly on July 10, and, by a vote of 569 to 80, adopted a law amending the constitution by giving the government the power to promulgate a new fundamental law.[10] The government's project underwent last-minute revision in the Assembly before it

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Premiers Actes du Maréchal Pétain (Clermont-Ferrand, 1940), pp. 55 ff., and J. Montigny, *Toute la Vérité sur un Mois Dramatique de notre Histoire* (Clermont-Ferrand, 1940), pp. 52 ff.

[7] See Montigny, *supra*, especially pp. 62, 63. Prior to the sessions at Vichy on July 9 and 10, Laval had been the leader of a group of parliamentarians which had urged that the government remain in France and reorganize itself "to meet the new needs." If the government were transferred to Africa, as some advocated, Laval said it would merely mean the continuation of the "same system with the same personalities." On June 21, Laval headed a committee composed of such men as Marquet, Bonnet, Pietri, and Bergery and called on Albert Lebrun, President of the Republic, in order to persuade him to remain in France. In an interview that was not without heated remarks, Laval and his friends apparently were successful in their efforts. The conversation between Laval and Lebrun is reprinted, in part, in Montigny, *op. cit.*, pp. 25 ff.

[8] See, for example, the remarks of Spinasse, a Socialist, who said that strong government was called for in order "to avoid having the country founder in violence and anarchy. Our duty is to permit the government to make a bloodless revolution. . . . We must also break with the past without hope of return." *Ibid.*, p. 59.

[9] The minority in the Chamber consisted of the following deputies: Blondy (Oise), Margaine (Marne), and Roche (Haute-Vienne). In the second chamber, the lone dissenter was Senator de Chambrun.

[10] A discussion of the legal aspects involved in the enactment of this amendment may be found in Loewenstein, "Demise of the French Constitution of 1875," cited above, pp. 867 ff. Correct procedure appears to have been followed in the adoption of the amendment. The vote in the Assembly indicated that party lines were of little significance. The record reveals that among the 80 in opposition were to be found such well-known persons as Vincent-Auriol, Blum, de Chambrun, Collumb, Dormoy, Jean Hennessy, Paul-Boncour, and Jean-Louis Rolland. Herriot, Queuille, and Steeg were listed as among the absent, while Berenger, Campinchi, Delbos, Mandel, Reynaud, and de Wendel are mentioned as having been excused.

was adopted. The cabinet had submitted a proposal which, if approved, would have given it complete power to draft and promulgate a new constitution. Spokesmen representing various shades of political opinion insisted, however, that before the new document should become effective it be submitted to the voters in a referendum. The government accepted the amendment.[11]

As a result of the adoption of the constitutional law of July 10, there has been a tremendous concentration of power in the hands of the executive. Not only the legislative, but constituent power as well, has been given to the cabinet. The Senate and Chamber of Deputies have remained in existence, but one of Pétain's first acts after he had been given his new powers was to adjourn Parliament indefinitely.[12] The abdication of the legislative branch of government has been complete. Executive government, free from legislative control, apparently may continue indefinitely, for the National Assembly fixed no date for the submission of the new constitution to the people. The proposed fundamental law may appear in the form of a single document or as a series of acts.

At the head of the present French government is the new office of Chief of State, a post created by the first constitutional act issued over Pétain's

[11] The amendment of July 10, 1940, which brought an end to the constitution of the Third Republic, contains but a single article, as follows:

"The National Assembly gives all powers to the government of the Republic, under the authority and the signature of Marshal Pétain, to effect the promulgation by one or more acts of a new constitution of the French state. This constitution shall guarantee the rights of labor, of the family, and of the country.

"It shall be ratified by the nation and applied by the assemblies which it shall have created.

"The present constitutional law, deliberated and adopted by the National Assembly, shall be executed as the law of the state."

This law was signed by Lebrun, the President of the Republic, and countersigned by Pétain as President of the Council.

In addition to publication in the *Journal Officiel*, the first fundamental constitutional acts and laws have been published in Montigny, *supra;* in Thouvenin, *Les Premiers Actes du Maréchal Pétain;* in Thouvenin, *D'Ordre du Maréchal Pétain* (Paris and Clermont-Ferrand, 1940); and in P. Naudin, *Un Mois de Rénovation National: des faits, des actes, des documents* (Vichy, 1940). Unless otherwise indicated, the writer has relied upon the official texts as republished in Naudin.

[12] On July 11, Marshal Pétain issued the following constitutional act:

"Article 1. The Senate and the Chamber of Deputies shall continue to exist until the Assemblies provided for by the constitutional law of July 10, 1940, shall have been formed.

"Article 2. The Senate and the Chamber of Deputies shall be adjourned until further notice.

"Hereafter, they shall be convened only by the Chief of State.

"Article 3. Article one of the constitutional law of July 16, 1875, is abrogated."

The reference in Article 3 is to the date when the Senate and the Chamber were required to meet and to the minimum length of their sessions.

signature. Dated July 11, 1940, the text of the act follows: "We, Philippe Pétain, Marshal of France, having seen the constitutional law of July 10, 1940, proclaim the assumption of the functions of Chief of the French State. Consequently, we decree: Article 2 of the constitutional law of February 25, 1875, is abrogated."[13] As a consequence of this act, the office of President of the Republic has disappeared. Pétain has combined in himself the functions of the presidencies of the council and of the Republic. His successor was provided for in a constitutional act of July 12. It was here stated that Pierre Laval should become Chief of State in place of the aged Marshal in case of necessity and, further, that should Laval be unable to act, someone to be designated by the council of ministers should serve in his stead. However, in an official statement issued on December 14, 1940, Pétain said: "I have just taken a decision which I consider to be in conformity with the interests of the country. M. Pierre Laval no longer forms part of the government . . . Constitutional Act Number 4 which designated my successor is annulled. . . . "[14] A new act of succession was then published in the *Journal Officiel* on the same day. The present law provides that if for any reason Pétain should be unable to exercise his functions as Chief of State, before the ratification of the new constitution, his successor will be designated by the council of ministers.

From the standpoint of understanding where the legal power to govern has been placed, the most important constitutional act is the one (No. 2, July 11, 1940) which defines the powers of the Chief of State. This act is of such significance that its text is given in full.

Article 1. 1) The Chief of the French State has complete governmental power; he names ministers and secretaries of state, who are responsible only to him.

2) He exercises legislative power, in consultation with his ministers: 1—until the formation of the new assemblies; 2—also after this formation, in case of external tension or of a grave internal crisis, he exercises legislative power on his sole decision and in the same form. In the same circumstances, he can decree all budgetary and fiscal orders.

3) He promulgates the laws and assures their execution.

4) He appoints to all civil and military positions for which by law no other mode of designation has been made.

5) He disposes of the armed forces.

6) He possesses the power to pardon and to grant amnesty.

7) Envoys and ambassadors of foreign countries are accredited to him. He negotiates and ratifies treaties.

8) He can declare a state of siege in one or more portions of the territory.

[13] Article 2 of the law of February 25, 1875, provides: "The President of the Republic shall be chosen by an absolute majority of votes of the Senate and Chamber of Deputies sitting together in a National Assembly. He shall be elected for seven years and shall be eligible for reëlection."

[14] See the *New York Times*, Dec. 15, 1940.

9) He can declare war without the previous assent of the legislative assemblies.

Article 2. All provisions of the constitutional laws of February 24, 1875, February 25, 1875, and July 16, 1875, incompatible with the present act are abrogated.

It is quite apparent that tremendous power has been given to Pétain and those acting in his name. When it is recalled that the Chamber and the Senate are probably permanently adjourned and that the executive has been granted constituent powers as well, this concentration of authority is all the more remarkable. Yet, in issuing constitutional act No. 2, it is doubtful if Pétain and his ministers went beyond the intentions of the majority in the National Assembly. When the members of Parliament met at Vichy on July 9 and 10, the vast majority were sympathetic toward the establishment of strong government.[15]

Constitutional act No. 2 was amplified by a law of July 12, 1940, which reorganized the council of ministers. This law provides that the council shall be presided over by the Chief of State and that the following posts shall be included in it: minister secretary of state, vice-president of the council; *garde des sceaux*, minister secretary of state for justice; and ministers secretaries of state for the interior, foreign affairs, finance, national defense, public instruction and the arts, youth and family, agriculture and supply (*ravitaillement*), industrial production and labor, communications, and colonies.[16] In addition to the ministers secretaries of state, provision was made for secretaries of state for war, navy, and aviation.[17] It was also provided that what might be referred to as a council within the council be established in order "to coördinate and direct the action of the government in the economic domain." For this purpose, it was specified that the ministers of finance, agriculture and supply, industrial production and labor, communications, and colonies should meet periodically under the chairmanship of the vice-president of the council.[18] Each member of the council of ministers may have a personal cabinet, or bureau.[19] A law of July 15 provided for the creation of posts for 21 secre-

[15] See the texts of remarks by members of Parliament as reported in Montigny, *supra*, pp. 53–95; and in Thouvenin, *supra*, pp. 55–72.

[16] Law of July 12, Art. 1. In subsequent reorganizations of the cabinet, deviations from the posts here enumerated have occurred.

[17] *Ibid.*, Art. 2. Article 3 of this law indicated certain specific functions to be attached to several of the government posts. This article has been amended frequently, however, as functions have been transferred from one post to another whenever changes in personnel have occurred. [18] Art. 4.

[19] Another law of July 12 provided that these cabinets should consist of no more than seven members, each of whom must have been born of French parents. It was also required that the *chefs de cabinet* and all of the other members of the cabinet, except for one person, be members of the public service or have been members for five years.

taries-general to serve as administrative assistants under the members of the cabinet.[20] The secretaries-general are appointed and dismissed by the council of ministers, but, while in service, each is responsible to the minister under whom he serves.

In addition to the structural alterations in the national administration contained in the laws referred to above, other changes have been made which affect the character of the administrative service on the national, departmental, and communal levels as well as in independent public establishments. Under a law of July 17, it is required that, with certain exceptions, all employees in the public service be persons of French nationality.[21] Exempted from this requirement are foreigners who are in the French army, those who served in a combat unit of the French army during the course of the wars of 1914 and 1939, and their direct descendants. Civil and military servants unable to fulfill the above requirements are subject to immediate dismissal.[22]

The character of local and municipal government in France has been altered by further reforms of the Pétain régime. A law published in the *Journal Officiel* on December 12, 1940, provided for the abolition of elected councils in communes and municipalities of 2,000 population and over.[23] According to Marcel Peyrouton, minister of the interior, this revolutionary step was necessary because "municipal councils in most French towns had a tendency to forget that their primary aim was to look after the town's interests; they mixed too much in politics."[24] It is now provided that the members of councils in towns with a population of from 2,000 to 10,000 shall be appointed by the prefects, while in cities of over 10,000 the councillors shall be named by the minister of the interior. Communities of under 2,000 inhabitants may continue to elect their councils as long as these bodies refrain from participation in "politics." Since July, 1940, many municipal councils had already been suspended under the then existing legislation; the legislation of December 12 has made that procedure uniform. In addition to the dismissal and appointment of hundreds of mayors, there has also been a large turnover in the office of prefect in recent months.

In carrying out the reforms introduced thus far in France, party lines have been of little significance in determining support for or opposition to these measures. It is true, of course, that Communist opposition has been

[20] Arts. 1–3. [21] Law of July 17, 1940, Art. 1.

[22] Art. 2. A system of pensions for those dismissed from the government service is provided for under the law.

[23] See the *New York Times* and the *Chicago Daily News*, Dec. 12 and 13, and the *New York Times*, Dec. 29, 1940.

[24] It is also true that in many communities in France the local governing bodies have revealed a hostility to the Pétain government. The approaching local elections, now unnecessary, undoubtedly would have shown this opposition.

strong and that the Pétain government has been interning members of that party for several months. It is also a matter of record that several prominent members of the Socialist party have attacked the provisional government. On the other hand, Socialists have been included in the cabinet. It is also a fact that awaiting trial at Riom are former cabinet ministers from the Right as well as from the Center and the Left, and that some of their partisan colleagues have joined the government which is bringing charges against them. The various Pétain cabinets have included a collection of generals, admirals, former civil servants, and members of Parliament ranging from the Socialists on the Left to associates of the Fascist movement on the Right. If the party alignment resulting from the last parliamentary election still were effective, the personnel in the various Pétain cabinets might have been quite different. Men have ruled France since June 16, 1940, who could hardly have held office under a system where their tenure of office was dependent upon the support of a legislative majority.[25]

Seemingly aware of its slender following and conscious of the difficult position in which it finds itself, the Pétain government has sought to

[25] Perhaps the most concise way of indicating who has ruled France since June, 1940, is to list the members of the various cabinets and the posts they have held:

Post	*Cabinet of June 16*	*Cabinet of June 27*
President of the Council	Pétain	Pétain
Vice-President of the Council	Chautemps	Chautemps, Laval
Defense	Weygand	Weygand
War	General Colson	General Colson
Air	General Pujo	General Pujo
Navy and Marine	Admiral Darlan	Admiral Darlan
Justice	Frémicourt	Frémicourt
Interior	Pomaret	Marquet
Foreign Affairs	Baudoin	Baudoin
Finance and Commerce	Bouthillier	Bouthillier
Colonies	Rivière	Rivière
Education	Rivaud	Rivaud
Public Works and Communications	Frossard	Frossard (Public Works only)
Agriculture and Supply	Chichery	Chichery
Labor	Février	Pomaret
War Veterans and Family	Ybarnégaray	Ybarnégaray
Communications		Février (Communications only)
Under-Secretaries:		
Presidency of Council	Alibert	Alibert
Refugees	Schumann	Schumann
Information		Prouvost
Reconstruction		General Doumenc

strengthen its status by discrediting its predecessors wherever possible. Such prominent political leaders and former ministers as Léon Blum, Paul Reynaud, Edouard Daladier, Guy la Chambre, and Georges Mandel were arrested and have for several months been awaiting trial. The exact charges upon which they are to be tried have not been made public in every case, but in some quarters it is assumed that somehow these men were responsible for the entrance of France into the war and for the military defeat which followed. Prominent persons such as members of the

Post	*Cabinet of July 12*	*Cabinet of Sept. 7*
Chief of State	Pétain	Pétain
Vice-President of the Council	Laval	Laval
Defense	Weygand	
Public Instruction and the Arts	Mireaux	
Public Instruction and Youth		Ripert
Industrial Production and Labor	Belin	Belin
Communications	Pietri	Berthelot
Justice	Alibert	Alibert
Interior	Marquet	Peyrouton
Foreign Affairs	Baudoin	Baudoin and Laval
Finance	Bouthillier	Bouthillier
Colonies	Lemery	Admiral Platon
Youth and Family	Ybarnégaray	
Agriculture and Supply	Caziot	Caziot
Under-Secretaries:		
War	General Colson	General Huntziger
Navy	Admiral Darlan	Admiral Darlan
Aviation	General Pujo	General Bergeret
Minister Secretary to Chief of State		Baudoin

On December 14, 1940, a reorganization of the cabinet occurred when Laval was dismissed. Flandin replaced Laval in the foreign affairs post, while the office of vice-president of the council was left vacant. At the same time, Chevalier replaced Ripert as minister secretary for public instruction and youth.

On January 3, 1941, the resignation of Paul Baudoin was announced, together with a further reorganization of the cabinet. It was stated that the work of the cabinet would be coördinated under the direction of three of the ministers, Darlan, Huntziger, and Flandin. Under this plan, Darlan would supervise internal affairs, Huntziger would take charge of defense, and Flandin would assume control over foreign and economic affairs. See the *Chicago Daily News*, Jan. 3, 1941, and the *New York Times*, Jan. 4, 1941.

No attempt can be made in this paper to explain the factors responsible for the frequent reorganizations of the French cabinet or for the sudden shifts in personnel. Explanations available in this country are based almost entirely upon rumor.

Rothschild family, David Weil, André Géraud, and Genevieve Tabouis have been portrayed as disloyal to France because of their flight from the country. Marshal Pétain has said that "it is not by leaving France that one can best serve her." Pétain's government promulgated a law on July 23 under the terms of which it is possible to revoke the citizenship of persons who fled from France between May 10 and June 30, 1940, without proper permission or without a proper excuse. It is also permissible to confiscate the property of such persons.[26] The whole question of the acquisition of French citizenship by naturalization has been opened up by the Vichy régime. Under the law of July 22, 1940, and the decree of July 31, a commission has been set up to inquire into cases where citizenship has been acquired under the provisions of the law of August 10, 1927. It has frequently been charged that foreigners who entered France, particularly emigrés, have been able to become citizens too easily and then have used the protection afforded by the state to contribute to the internal weakness of the country.

At present, all persons threatening "the security of the state" may be brought to trial before a special court created for this purpose. Constitutional act No. 5, of July 30, 1940, provided for the establishment of a Supreme Court of Justice, and a law of the same date defined its competence and provided for its organization. The Supreme Court is to judge: "(1) the ministers, former ministers, or their immediate civil or military subordinates, accused of having committed crimes or misdemeanors in the execution of their functions, or of having betrayed the duties in their charge; (2) all persons accused of making attempts against the security of the state and of crimes and misdemeanors in connection therewith; (3) all co-authors or accomplices of persons covered by the preceding paragraphs." Procedure before the court is governed by the regular criminal code. No appeal may be taken from decisions of the court.[27]

In the realm of social and economic matters, the program thus far revealed by the Vichy government has been two-fold: (1) to deal with certain pressing problems made acute by military defeat, and (2) to bring about fundamental reforms which it is hoped will be permanent. Those who have followed French politics in recent years will find much that is familiar in the reform program. In the years 1933–35, the fascist *ligues* advocated many of the measures now supported by the Pétain régime. The leaders of what were two of the strongest fascist groups, Colonel de La Rocque and Jacques Doriot, have rallied to the support of the government's reform program.[28] The spokesmen for the government have made

[26] Law of July 23, Arts. 1 and 2. See Thouvenin, *D'Ordre du Maréchal Pétain*, pp. 59 ff. Many persons have lost their citizenship under this law and have had their property confiscated. [27] Law of July 30, Arts. 12–14.

[28] For accounts of the social and economic institutions proposed by the various

plain their belief that many aspects of totalitarianism are desirable for France. In one of his numerous messages to the French people, Marshal Pétain said: "Our program is to give France the strengths she has lost. She will find them only by following the simple rules which, at all times, have assured the life, health, and prosperity of nations. We shall create an organized France, where the discipline of the subordinates answers to the authority of the leaders, with justice for all. In all spheres, we shall strive to create an élite and to confer leadership upon them with consideration only for their capabilities and merits."[29] Pétain went on to say that "French labor is the supreme resource of the country," but it has been "degraded" by "international capitalism and international socialism." The French family is said to be the agency which will make possible the survival of "the ancient virtues," and the hope of the future is to be found in a properly "disciplined" youth of today.

Members of Parliament stated it as their conviction that French social and economic life ought to be re-evaluated and reorganized. In the National Assembly, the *exposé des motifs* accompanying the proposed constitutional revision of July 10 began by saying: "It is necessary that we learn the lesson of lost battles. A review of the errors committed, determination of responsibility, a search for the causes of our weaknesses, this necessary work will be accomplished. . . . At the cruelest moment of its history, France must understand and accept the necessity of a national revolution."[30]

French management and labor were made acquainted with certain aspects of the coming "national revolution" in the economic sphere when a comprehensive law concerning the organization of industrial production was published in the *Journal Officiel* on August 18, 1940.[31] Under the terms of this law it is possible to dissolve employer and employee syndicates and associations and to bring about the organization of labor and management into units more directly controlled by and subordinate to the state. The law provides that "groups or organizations whose activity is revealed as harmful to the functioning of a branch of activity or incompatible with

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fascist *ligues*, the following sources are useful: R. Millet and S. Arbellot, *Ligues et Groupements de l'extrême Droite a l'extrême Gauche* (Paris, 1935); Colonel de La Rocque, *Service Public* (Paris, 1934); H. Malhere, *La Rocque* (Paris, 1934); P. Guitard and others, *Doriot; L'Homme de Demain* (Paris, 1936); and L. Bertrand, *Hitler* (Paris, 1935).

[29] Message of July 11, 1940. The official texts of Pétain's messages appear in a volume, *Appels aux Français* (*Éditions Fernand Sorlot*), published by the *Comité France-Amérique* (Clermont-Ferrand, 1940).

[30] *Exposé des motifs de projet de loi constitutionnel*, the text of which appears in Montigny, *supra*, pp. 129 ff.

[31] The official text of this law is reprinted in Thouvenin, *D'Ordre du Maréchal Pétain*, pp. 33 ff.

the organization instituted by the provisions" of the present statute may be dissolved by decree.[32] In each branch of commercial or industrial activity, a provisional organization committee is to be established.[33] Employers and employees are to be represented on these committees. In cases where a committee fails to function, it may be supplanted by a government commissioner. These industrial committees are empowered to take a census of the units of production and their capacity and stocks; to determine programs of production and manufacture; to plan the acquisition and distribution of raw materials necessary in their particular branch of industry; to fix the general rules in their industry applicable to methods of production and competition; to propose price scales to the public authorities; and to make rules and suggestions safeguarding the common interests of employers and employees.[34] Subject to the approval of the ministers of industrial production and labor and of finance, the committees may impose a tax on their enterprises in order to cover the expense of their activities. No decision of a committee is valid until approved by the minister of industrial production and labor. This same minister is also empowered to requisition materials, products, and personal services needed in a particular branch of industry.[35]

The law on industrial organization also provides for sanctions to be applied in cases where there is failure to comply with the rules issued to expedite the functions of the committees.[36] It is stated in the statute that the head of an enterprise, or one or more of the directors, may, temporarily or permanently, be forbidden to exercise managerial functions. Fines up to ten per cent of the volume of business (*chiffre d'affaires*) may also be assessed.

By authority of the law of August 18, decrees were published on November 12, 1940, which dissolved leading employer and employee organizations. The General Confederation of French Employers was dissolved, as were trade associations such as the *Comité des Forges*. At the same time, the General Confederation of Labor (*C.G.T.*) was also dissolved. These first steps were taken against federations of local or industrial associations of employers and employees. Employer and employee organizations in purely local industries have been allowed to continue their existence. The large organizations, it was said, engaged in politics and set themselves up in competition with the government, a situation which could no longer be tolerated.

Just as the beginnings of a corporate system have made their appearance in French industry, so have French peasants been introduced to a

[32] Art. 1.

[33] Art. 2. Details regarding the personnel of these committees are to be determined by the minister secretary of state for industrial production and labor. Art. 3.

[34] Art. 2. [35] Art. 6. [36] Art. 7.

new type of organization for productive purposes. In laws of July 28 and August 5, 1940, the government provided huge sums to aid in the development of marginal land and to subsidize production.[37] The government has given the prefects the power to set the maximum prices of agricultural products in each department, subject to the approval of the National Committee for the Supervision of Prices.[38] Further legislation of August 30, provided for an inventory and stock-taking, under government direction, of tillable soil and agricultural products.[39] The greatest change, however, occurred in the extension of government control over peasant life by the creation of peasant syndicates. This reform was provided for in a law published on December 7, 1940.[40] Under this statute, farmers are to be organized by families in local syndicates and each of the local units is to be affiliated with a regional and national syndicate. These syndicates are all under the supervision of the minister of agriculture.

Notwithstanding all that the present government has said of the importance to French civilization of the family, youth, and the educational system, few actual reforms affecting them have thus far been introduced. Ministries to deal with family matters and with the organization of youth have been established, but they have been slow in getting their programs under way. A youth organization has been created which has for its announced objective the inculcation of a healthier and more Spartan way of life in the ranks of young boys and girls. In particular, youth is to be taught the dangers of alcohol, the evils of urban life, and the value of labor.[41] To aid in this program, efforts have been made to encourage youth to spend more time in rural areas, engaged in healthy outdoor pursuits in the youth camps that have been provided.

As for French education, Marshal Pétain has said that it must be made more "realistic." There must be, he has pointed out, a greater community of interest between scholars and industry and labor. An end must be brought to a system that was based upon a "fatal prestige of a pseudo-culture, purely academic, counsellor of laziness and generator of uselessness."[42] Legislation of August 4 and September 20, 1940, introduced the first of what, it is said, will be extensive reforms. The first of these laws amended the method of recruitment of teachers and inspectors in the primary schools, while the second suppressed certain normal schools.[43] The government has also announced plans for a program designed to increase the value and prestige of French provincial universities.

The attitude of the Vichy government toward certain traditional insti-

[37] The official texts of these laws appear in Naudin, *supra*, pp. 42, 44.
[38] Law of July 30, 1940. [39] Thouvenin, *supra*, p. 29.
[40] *New York Times*, Dec. 8, 1940.
[41] See Thouvenin, *D'Ordre du Maréchal Pétain*, pp. 14 ff.
[42] *Ibid.*, p. 8. [43] *Ibid.*, p. 13.

tutions that have been the cause of past controversies in French politics is not without interest. The French masonic order and other secret societies have been suppressed and their property has been seized. Government employees have been asked to take an oath not to become members of such organizations. Although government censorship of the press and the radio is very strict, a law which made criticisms in the press of Jews, Catholics, and members of other religious groups punishable by imprisonment has been repealed. In recent months, many of the Jews in the government service have been dismissed. The Catholic church, on the other hand, has been granted additional freedom, especially in the field of education.

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Canadian Federalism: Report of the Royal Commission on Dominion-Provincial Relations. The epochal Report of the Canadian Royal Commission on Dominion-Provincial Relations represents the first comprehensive investigation of the governmental system of Canada since Confederation in 1867. Not only does the survey reflect the unique features and problems of the Canadian federation, but it also constitutes an outstanding addition to the general literature on federalism.

The Commission was appointed in August, 1937, to make a "re-examination of the economic and financial basis of Confederation and of the distribution of legislative powers in the light of the economic and social developments of the last seventy years."[1] In making its inquiry, the Commission[2] established a research staff, directed by Alex Skelton, of the Research Department of the Bank of Canada, to make detailed studies of various aspects of the federal problem. The Commission was able to draw to its service outstanding Canadian scholars and experts in the fields of economics, political science, public finance, constitutional law, and history.[3] The Commission, however, did not rely solely on its research staff.

[1] For a résumé of the nature of Canadian Confederation and developments since that time, see Report of the Commission, Book I, *Canada: 1867–1939.*

[2] The original appointees to the Commission were the Honorable Newton W. Rowell, Chief Justice of Ontario, the Honorable T. Rinfret, Justice of the Supreme Court of Canada, John W. Dafoe, editor of the Winnipeg *Free Press*, R. A. McKay, of Dalhousie University, and H. F. Angus, of the University of British Columbia. In November, 1937, Mr. Justice Rinfret resigned, owing to illness. Joseph Sirois, of Laval University, Quebec, was appointed to fill the vacancy, and in November, 1938, he was made chairman in the place of Mr. Rowell, who resigned because of ill health.

[3] A Canadian comment was that "for the first time since Confederation our statesmen have allowed a body of experts to function without imposing on their efforts the dead hand of the legal profession." *Canadian Forum*, June, 1940, p. 70.

Over a period of approximately one year, it held public hearings at Ottawa and at each of the provincial capitals to listen to the arguments of the provincial governments and the views of non-official bodies.[4] Not all the provinces participated in the public hearings. Premier Aberhart, of Alberta, under instruction of the provincial legislature, ignored the inquiry. (The Edmonton Chamber of Commerce, however, presented a brief.) Quebec also refused to take part, objecting to the assumption that the Federal Government had the right to appoint of its own accord "a Commission whose report might form the basis of possible amendments to the Constitution." Final hearings were held at Ottawa after the participating provinces had had "time to consider each other's evidence and the research material prepared for the Commission." The Commission's findings, recommendations, and supporting monographs were released on May 16, 1940.[5]

On the basis of its comprehensive examination, the Commission outlined a plan for sweeping changes in the federal structure. The principal broad issues dealt with by the Commission were two: the allocation of jurisdiction or powers between the Dominion and the provinces, and the distribution of financial resources between the Dominion and the provinces. Around these questions, of course, recur the maladjustments of federal systems. In Canada, as elsewhere, economic, social, technological, and political shifts have made the prevailing jurisdictional and financial arrangements inappropriate.[6]

[4] Most of the briefs presented by the provincial governments were of high quality; they are valuable sources of information on the government and the economy of the provinces.

[5] *Report of the Royal Commission on Dominion-Provincial Relations* (Ottawa: King's Printer, 3 v., $1). The three-volume report and all the research monographs, with the exception of certain detailed financial statistics, may be obtained from the same source for $10. The printed and mimeographed monographs are as follows: D. G. Creighton, *British North America at Confederation;* W. A. Mackintosh, *The Economic Background of Dominion-Provincial Relations;* D. C. MacGregor and others, *National Income;* Esdras Minville, *Labour Legislation and Social Services in the Province of Quebec;* A. E. Grauer, *Public Assistance and Social Insurance;* J. A. Corry, *Difficulties of Divided Jurisdiction;* L. M. Gouin and Brooke Claxton, *Legislative Expedients and Devices Adopted by the Dominion and the Provinces;* J. A. Corry, *Growth of Government Activities since Confederation;* A. E. Grauer, *Labour Legislation; Public Health; Housing;* Stewart Bates, *Financial History of Canadian Governments;* H. C. Goldenberg, *Municipal Finance in Canada;* F. A. Knox, *Dominion Monetary Policy* (1929–1934); W. J. Waines, *Prairie Population Possibilities;* S. A. Saunders, *Economic History of the Maritime Provinces;* W. Eggleston and C. T. Kraft, *Dominion-Provincial Subsidies and Grants.* The monographs are obtainable at 50¢ each. Other special studies, many dealing with constitutional and legal matters, were prepared for the Commission, and, not being published, were filed with the Commission's records.

[6] For some time the Dominion government has been blocked in exercising author-

In discussing jurisdictional changes, the Commission dealt first with the social services. It was of the opinion that provincial responsibility for social welfare should be basic and general, Dominion responsibility an exception and strictly defined. It recommended the transfer to the Dominion of responsibility for unemployment relief[7]—that is, aid to "unemployed employables." The Commission thought that the large fluctuating expenditures for relief should be borne by the Dominion, which is able to obtain the needed revenues in a manner "the least harmful to welfare and productive enterprise." It believed, too, that provincial jurisdiction over unemployment and the consequent conflicting policies, as between provinces, made it impossible to "eliminate the avoidable economic wastes and social consequences of mass unemployment." The Commission furthermore recommended that jurisdiction over unemployment insurance[8] and employment services be granted to the Dominion; and, without urging immediate action, it suggested that the Dominion be given power to establish a system of compulsory contributory old-age annuities. The Commission thought, however, that the existing system of non-contributory old-age pensions might remain within provincial jurisdiction. It recommended that health insurance, if and when established, should, in view of the variations in economic conditions and social outlook from province to province, be within provincial jurisdiction,[9] as should the existing system of workmen's compensation.

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ity in fields of social and economic legislation because the residual power allocated to it by the British North America Act of 1867 has been narrowly limited by judicial decision. At the same time, the powers of the provinces have been unduly inflated. Furthermore, under the financial arrangements of Confederation the provinces were restricted to specific taxes, whereas the Dominion was given extremely broad taxing authority. Under such a system, it was unavoidable that spheres of authority and of fiscal resources should be thrown hopelessly out of gear. See Luella Gettys, *The Administration of Canadian Conditional Grants* (Chicago: Public Administration Service, 1938), pp. 4 ff.

[7] Since 1930, the provinces, constitutionally responsible for relief activities, have received liberal grants-in-aid from the Dominion to finance unemployment relief. For a discussion of the administration of unemployment relief, see Gettys, *op. cit.*, pp. 142 ff.

[8] On July 10, 1940, the British North America Act was amended in the British Parliament to vest the Dominion with exclusive jurisdiction over "unemployment insurance." Prior to the presentation of this amendment to the British Parliament, the provinces had consented to such revision of the Act (*Labour Gazette of Canada*, July, 1940, p. 682). In consequence of this amendment, the Dominion Parliament enacted an unemployment insurance act on August 7, 1940, providing for a national system of compulsory unemployment insurance and of public employment offices. Similar legislation had been passed in 1935 (*Statutes of Canada*, 1935, ch. 38), but it had been declared *ultra vires* by the Judicial Committee of the Privy Council on January 28, 1937.

[9] The recommendations of the Commission have been sharply criticized in that

In the field of labor legislation the Commission recommended that the Dominion be given power "to establish basic minimum wages and maximum hours of labour, and to fix the age of employment," and that the provinces be given authority to raise the federal standards if desired locally. The Commission pointed out the close relationship between unemployment relief policy and hour and wage policy, with the consequent necessity for interrelated action at the national level. It recommended that control of marketing of commodities "entering largely into interprovincial and foreign trade should be governed by Dominion legislation," and that the Dominion should be given power to regulate all insurance companies save those provincially incorporated companies doing business only in the province of incorporation.

To facilitate continual Dominion-provincial coöperation and jurisdictional adjustments, two novel recommendations were made. One was that a permanent secretariat be established to foster frequent and regular conferences of Dominion and provincial officials. Thus would be put on a stable and continuing basis a practice that has been followed from time to time.[10] Furthermore, to introduce flexibility in federal relations, the Commission proposed that a general delegation of legislative power be permitted between the Dominion and the provinces on a temporary as well as permanent basis. Under this arrangement, specific questions could be dealt with as they arose. If an individual province wanted to delegate authority to the Dominion, it would not be handicapped by a general mandate requiring consent of all provinces.

The Commission's fiscal proposals included the transfer of certain taxes to the Dominion, Dominion assumption of provincial debt, and the establishment of a system of "national adjustment grants." This fiscal plan was "an attempt to make the division of financial powers and responsibilities of governments conform to the basic economic structure of the country," and "to ensure to every province a real and not an illusory autonomy by guaranteeing to it, free from conditions of control, the revenues necessary to perform those functions which relate closely to its social and cultural development." In general, the Commission recommended transfer to the Dominion of the taxes with highly fluctuating yields and retention by the provinces of those with more nearly constant yields. The Commission proposed that sole authority to levy personal-income and inheritance taxes be vested in the Dominion. In the field of corporation taxation, the Commission found that the prevailing divided jurisdiction had led to a

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they do not include proposals for a broad, all-embracing social insurance and security scheme. Dominion responsibility for the employable unemployed is "all to the good, but in regard to the unemployables the Commission has ideas which are pure Tudor." Dorothy G. Steeves, "A British Columbia View," *Canadian Forum*, Nov., 1940, p. 239.

[10] See Gettys, *op. cit.*, pp. 19–20.

complexity "beyond belief" and that, apart from the costs and annoyances of compliance, the system of corporation taxation operated so as to reduce production. It recommended almost complete transfer of the sphere of corporate taxation to the Dominion. These tax recommendations were necessary to provide the Dominion with revenues adequate to meet the new obligations to be transferred to it, but they were also essential "both for reasons of equity as between provinces, and for assuring that these tax fields will be exploited with least harm to the national income."

The assumption by the Dominion of all provincial debt was recommended.[11] Dominion and provincial debt had, as the Commission said, already become "to some extent interlocked." Economies, in administration and through conversion, could be achieved by the Dominion. Parts of the provincial debt, such as that incurred for relief, were the result of forces over which the provinces had no control. Moreover, the Commission contemplated future Dominion control over provincial indebtedness. It suggested that in future the service on provincial debt incurred with the approval of a proposed Finance Commission would be considered in the computation of "national adjustment grants"; without that approval, the debt would be "on the sole credit of the province."

Of special interest was the proposal of annual "national adjustment grants" to be made by the Dominion to the provinces. These grants represent "the Commission's conception of a federal system which will both preserve a healthy local autonomy and build a stronger and more united nation." They would replace the extraordinarily complex existing system of unconditional subsidies and allowances[12] and conditional grants. The Commission rejected the conditional grant as a means for making Dominion-provincial financial adjustments. From Canadian experience, it concluded that this type of aid failed to meet "the test of efficiency" as a "method of financing major functions of government and of providing for necessary inter-governmental transfers in a federal state," and that it "dissipates seriously responsibility for public expenditures." In Canada, the conditional grant had, on the whole, been ineffectively administered.[13] The Commission, however, thought that it might be retained for non-contributory old-age pensions; nor did it consider future introduction of the conditional grant for "certain limited and clearly specified purposes in other fields objectionable."

[11] Self-supporting provincial debt—utility investments, etc.—would continue to be serviced by the provinces through payments to the Dominion. Furthermore, in Quebec, where provincial debt is an unusually low proportion of combined provincial and municipal debt, the Dominion would assume 40 per cent of the net, or deadweight, cost of combined provincial and municipal debt service.

[12] For a comprehensive analysis of Canadian subsidies, see J. A. Maxwell, *Federal Subsidies to the Provincial Governments in Canada* (Cambridge, 1937).

[13] See Gettys, *op. cit.*

The unconditional national adjustment grants would "enable a province to provide adequate services (at the average Canadian standard) without excessive taxation (on the average Canadian basis)."[14] The Commission suggested the creation of a Finance Commission to review the grants at five-year intervals and to advise the government on provincial requests for emergency grants. The adjustment grants would be given when provinces could not supply average services without above-average taxation, but the province would be "free to determine on what services the grants will be spent, or whether they will be used, not to improve services, but to reduce provincial (and municipal) taxation." It follows, of course, that national administrative supervision would not be attached to the adjustment grant.

For the computation of the initial grants, the Commission devised a technique, of the crudeness of which the Commission was "keenly aware." To obtain a measure of the level of services from province to province, it used per capita figures on "joint provincial-municipal expenditures on public welfare and education," after "adjustment in some cases for costs of living and other local circumstances." To this were added figures based on highway, agriculture, and public-domain expenditures annually from 1928 to 1931.[15] To ascertain the weight of taxation in each province, "the proportion of total provincial and municipal taxation to the total income of each province" was compared with the national average. The Commission believed that the resulting estimates of adjustment grants would serve until the proposed Finance Commission could develop more refined techniques. The Finance Commission would also act "as a clearing house for economic, financial, and administrative information relevant to Dominion-provincial relations and public finance policy."

The Commission dealt with other questions more or less peculiar to Canada,[16] but the foregoing aspects of the inquiry are the phases of pri-

[14] It may well be doubted whether welfare services can be promoted and made uniform through this type of grant. Although the evils of the subsidy system, "with all its shabby backdoor begging and borrowing, will be avoided, one suspects that the national adjustment grant in the hands of a slick politician, may turn out to be the same old devil after all, its cloven hoof and tail neatly wrapped up in a more civilized garment." Steeves, *op. cit.*, p. 239.

[15] In the measurement of the level of provincial services, the performance of social services by the church rather than the state in Quebec presented a special problem. Considering public services alone, the Quebec level would be low in comparison with other provinces, and thereby increase the adjustment grant. The Commission concluded that "the notable work of the church in the fields of education and public welfare could neither be ignored nor measured in monetary terms." It assumed, therefore, that the contribution of the church had brought standards in these functions in Quebec up to the national average.

[16] Miscellaneous and special claims were presented to the Commission by certain provinces seeking compensation for adverse effects of federalism or other adjustments.

mary interest to students of federalism generally. The Commission did not consider that its proposals were "either centralizing or decentralizing in their combined effect," but believed that they would "conduce to the sane balance between these two tendencies which is the essence of a genuine federal system and, therefore, the basis on which Canadian national unity can most securely rest." Although the decisions underlying the proposals were made before the outbreak of war, the Commission regarded the basic recommendations as "sufficiently flexible to be adjusted to any situation which the war may produce." An admirable characteristic of the report is its skillful blending of the knowledge of the political scientist and the economist, a feature especially noticeable south of the international boundary where political scientists and economists tend to operate in separate compartments. Perhaps the chief contribution of the Commission to the understanding of federalism in general is to be found in its penetrating analysis of the effects of the division of jurisdiction on the functioning of the economic order under a federal system.

Whether the major recommendations of the Rowell-Sirois Report will be adopted remains to be seen.[17] Their consideration was scheduled for mid-January, 1941, at a Dominion-provincial conference.[18] Prime Minister Mackenzie King, in a letter addressed to the provincial premiers requesting their participation in the conference, urged the adoption of the recommendations as necessary to put Canada "in a position to pursue a policy which will achieve the maximum war effort and, at the same time, to lay a sound foundation for post-war reconstruction."[19] In view of this

[17] The Commission recommended that if the administration of a service or a tax should be transferred from one government to another it was desirable that "those who have administered the service or collected the tax in the past should do so in the future and that their skill and experience should not be lost to the nation or their personal expectation of continuous appointment be disappointed."

[18] If the conference should accept recommendations requiring amendment of the British North America Act, the method of adopting such amendment would have to be decided upon. The method of amendment of that Act has long been a contentious issue. (See *Report of the Special Committee on the British North America Act*, Ottawa, 1935.) The Act, a statute of the British Parliament, contains no provision for its amendment. It has customarily been amended by joint resolution of both houses of the Canadian Parliament addressed to the British Parliament. Some provinces, notably Nova Scotia, Saskatchewan, Manitoba, and British Columbia, would like to have amendment without recourse to the British Parliament. The British Parliament would undoubtedly approve such a method, but the provinces have never agreed upon the features of an amending process. The Commission expressed the opinion that the question of method of amendment of the British North America Act was outside its terms of reference, and that the Dominion and the provinces were the appropriate agencies to work out the procedure for bringing about changes.

[19] *Toronto Globe and Mail*, November 8, 1940, p. 8. It is generally expected that there will be considerable opposition to the recommendations for national adjustment grants, particularly by Ontario.

objective, it may be that the war will accelerate rather than retard the revamping of the Canadian federal structure.

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The Recent Parliamentary Elections in Sweden. With the tense international situation as an ominous background, the regular quadrennial parliamentary elections for the lower house were held in Sweden in September, 1940. Four years ago, the autumn of 1936 witnessed spirited and warmly contested parliamentary elections in both Sweden and Norway.[1] Because Norway's constitution was amended in 1937 to provide for quadrennial rather than triennial elections, the autumn of 1940 would—save for the German invasion of the Norwegian democracy—have seen nation-wide parliamentary elections in both countries of the Scandinavian peninsula. With Sweden as the only Scandinavian nation remaining free and independent, it has been interesting to note what effect, if any, the tremendous pressures from the surrounding totalitarian states has had on democratic processes in the Swedish state.

Over a year ago, the Swedish cabinet was reorganized into a National Cabinet with all leading political parties represented. As the time for the elections approached, some of the minority parties expressed willingness to postpone the contest, even to the extent of ignoring the constitutional provision for quadrennial elections. The remarkable expression of confidence by the smaller parties in the largest party—the Social Democrats—was countered by an equally remarkable stand taken by the leader of the Social Democrats, Prime Minister Per Albin Hansson, who insisted that the democratic processes of a popular election should be continued. The prime minister's view was accepted by all parties, since it was felt by all leaders that in such a time of stress it would be an indication of democratic strength for the parliament to go to the people. All were agreed also that the parties which would, in normal times, be in opposition should continue as vital going concerns.

Because of the happy inter-party feeling, the contest has sometimes been referred to as a "gentlemen's election." It was agreed not to use posters, and the usual loud speakers on motor trucks were also not employed. The campaign was remarkably free from vituperation and mud-slinging. Each political party, however, campaigned in a dignified manner for electoral support for its respective candidates. The relative mildness of the contest probably accounts for the slight decrease in the percentage of the electorate that went to the polls. The exact figure, in relation to the number of eligible voters, is not yet available, but indications are that about 68 per cent of all voters participated, as against a record of 74.5 per cent in 1936.

[1] See this REVIEW, Vol. 31, pp. 97–99 (Feb., 1937).

As might have been expected, the balloting resulted in a decided increase in the number of Social Democratic seats in the lower house. This well-organized party, which has made consistent gains in several previous elections, gained nineteen seats. The Agrarian party, which has cooperated closely with the Social Democrats, lost eight seats, the People's party lost four, the Conservatives two, the Communists two, and the Socialists three (which was the total number held by this party previous to the election). Thus the membership of the newly-elected chamber will be as follows: Social Democrats, 134; Conservatives, 42; Agrarians, 28; People's party, 23; Communists, 3. For the first time in Swedish history, the Social Democrats have a majority of the seats in the chamber. The great increase in Social Democratic seats and the resulting personal triumph of Mr. Hansson will apparently result in no changes whatever in the National (Coalition) Cabinet.

The total vote cast was 2,873,913, as against 2,917,511 in 1936. The Social Democrats made a gain of 16 per cent in the popular vote. The National Union (Fascist) party, which cast a handful of 26,741 votes in 1936, received scarcely any in 1940. The National Socialist party dropped from about 20,000 in 1936 to a negligible number in 1940. Among the members will be 17 women as opposed to 13 in the old house. Of the 230 members, 56 were chosen for the first time.

No members of the upper house were elected at this time. All such are chosen for eight-year terms, one-eighth each year by local electoral colleges.[2]

BEN A. ARNESON.

Ohio Wesleyan University.

[2] Most of the information on which this note is based was obtained from *Social-Demokraten*, *Svenska Dagbladet*, and *Dagens Nyheter* (dailies published in Stockholm) and from the *American Swedish Monthly* (published in New York). Copies of several issues of these were secured through the courtesy of the Swedish Legation in Washington.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

By vote of the Executive Council, the thirty-seventh annual meeting of the American Political Science Association will be held in New York City December 29–31, 1941, with headquarters at the Hotel Pennsylvania. The committee on program for this meeting consists of Francis G. Wilson (University of Illinois), chairman, W. Brooke Graves (Temple University), Herbert Emmerich (Public Administration Clearing House, Chicago), Harold H. Sprout (Princeton University), and O. Douglas Weeks (University of Texas). In building the 1941 program, the committee will, in so far as possible, adhere to the rule requiring that (except in the case of round-table leaders) no person shall appear on the program more than once.

Professor Robert C. Brooks, of Swarthmore College, and president of the American Political Science Association during the year 1940, died on February 2 of complications resulting from an operation early in January. A memorial note will appear in the next issue of the REVIEW.

Mr. Louis Brownlow, director of the Public Administration Clearing House and lecturer in political science at the University of Chicago, gave two lectures at the University in December on "The Executive Office of the President."

Professor Jacob Van der Zee, of the State University of Iowa, will offer courses on international relations, the common law, and political theory at the University of Colorado during the summer session of 1941.

Professor Eric C. Bellquist, of the University of California, addressed the annual meetings of the World Affairs Symposium at Seattle and the World Affairs Council at Tacoma, Washington, held in November, speaking on the subject of the position of northern Europe in the present world conflict.

Dr. George W. Bemis, recently associated with the Bureau of Governmental Research at the University of California at Los Angeles, has been appointed lecturer in political science at Occidental College. Dr. Bemis is also director of research and records project, W.P.A., for Los Angeles.

Professor Samuel C. May, director of the Bureau of Public Administration at the University of California, was appointed in June, 1940, to serve as executive vice-chairman of the California State Council of Defense.

Dean Emery E. Olson, of the University of Southern California, is serving as part-time consultant to the U. S. Office of Education on personnel problems growing out of national defense activities in industry and government.

Mr. Clement T. Malan, professor of political science in the Indiana State Teachers College, has been named state superintendent of schools in Indiana.

Dr. Robert Strausz-Hupe, former associate editor of *Current History*, has been appointed special lecturer in political science at the University of Pennsylvania.

At the State University of Iowa, members of the department of political science are delivering a series of evening lectures designed to acquaint freshmen with members of the department and to stimulate interest in the study of political science. The series was opened by Professor Kirk H. Porter, recently appointed head of the department.

Dr. Ward Stewart has resigned as assistant director of personnel in the U. S. Housing Authority to become chief personnel officer in the National Youth Administration. Dr. Stewart was formerly with the Tennessee Valley Authority in a research capacity, and more recently was a Littauer fellow in the Graduate School of Public Administration at Harvard University.

Dr. Ernest S. Griffith has resigned his position with the American University in order to become director of the Legislative Reference Service of the Library of Congress. Dr. Griffith served for five years as dean of the Graduate School and professor of political science at the American University. In his new position he succeeds Dr. Luther H. Evans, who has become chief assistant librarian.

Professor J. Alton Burdine, of the University of Texas, has been appointed vice-president of the University, with duties relating primarily to internal administration. Professor Burdine returned to the University in September after serving a year as administrative consultant to the administrator of the Federal Security Agency.

The leave of absence of Professor Floyd W. Reeves, of the departments of education and political science at the University of Chicago, has been extended through the winter, spring, and summer quarters of 1941, in order to enable him to continue his work with the National Advisory Defense Commission.

Professor Austin F. Macdonald, of the University of California, will spend the spring semester in South America, staying for some months in

Argentina to study its government. Dr. Victor Jones, research associate in the Bureau of Public Administration at the University, will offer the undergraduate course on municipal administration during Professor Macdonald's absence.

The fall dinner meeting of the Metropolitan Political Science Association was held at New Brunswick, New Jersey, on November 29, 1940, Rutgers University and the New Jersey College for Women serving as hosts. Dr. Edward M. Earle, of the Institute for Advanced Study, spoke on "Problems of National Defense of Interest to Political Scientists." Fifty-nine members and guests of the Association attended the meeting. The next meeting will be held at Hunter College, New York City, in the spring.

Ten graduate fellowships in the field of government management are offered by the University of Denver, under a grant from the Alfred P. Sloan Foundation, for the academic year beginning in September, 1941. The fellowships, awarded on a competitive basis, carry maximum stipends of $100 a month for single persons and $150 a month for married persons. The training period covers six quarters, from September, 1941, to March, 1943. Application forms may be obtained by addressing the Committee on Fellowships, Department of Government Management, School of Commerce, University of Denver. Applications must be filed not later than March 10, 1941.

Dr. Chester Lloyd Jones, professor of political science and commerce at the University of Wisconsin, died at Madison on January 13 at the age of fifty-nine. A graduate of the University of Wisconsin, Professor Jones did graduate work at Berlin and Madrid, and received his doctor's degree from the University of Pennsylvania in 1906. After serving four years as an instructor in political science at Pennsylvania (also as assistant editor of the *Annals of the American Academy of Political and Social Science*), he was called back in 1910 to Wisconsin, where he later succeeded Dr. Paul S. Reinsch as chairman of the political science department. From 1914 to 1917, he was secretary-treasurer of the American Political Science Association. In 1917, he became director of the bureau of foreign agents of the War Trade Board, and from 1919 to 1928 he served successively as commercial attaché at the American embassies at Madrid and Paris. In 1928, he returned to the University of Wisconsin, dividing his time between the department of political science and the school of commerce, and for five years (1930–35) serving also as director of the latter. His teaching and writing during these later years fell entirely in the field of Latin American affairs. His earlier books included *The Consular Service of the United States*, *Statute Law-Making*, and *The Caribbean In-*

terests of the United States, and his later ones, *Mexico and Its Reconstruction*, *Costa Rica*, and *Guatemala, Past and Present*.

The public service fellowship established by the former Women's Organization for National Prohibition Reform and administered by the faculty of Barnard College will be awarded this year to a woman candidate from Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, or Wyoming. The fellowship carries a stipend of $1,300; and applications are to be addressed to Professor Willard Waller, of Barnard College, before March 1.

The 1940 meeting of the Southern Political Science Association was held at Furman University, Greenville, S. C., November 7–9, with sixty-five members in attendance. Round tables or other sessions were devoted to political theory, local government, Far Eastern affairs, and labor in the South. The American Political Science Association was represented officially by Professor Sigmund Neumann, of Wesleyan University, who spoke on "Leaders and Followers." Officers elected for the coming year are: president, Denna F. Fleming, Vanderbilt University; vice-president (in charge of program), James W. Fesler, University of North Carolina; secretary-treasurer (ex officio), Manning J. Dauer, University of Florida; recording secretary, Paul M. W. Linebarger; and as three new members of the Executive Council, James Hart, John Manning, and Cullen Gosnell.

International Labor Organization at Montreal. The year 1940 witnessed the establishment at Montreal of the principal headquarters of the International Labor Organization. On August 19, 1940, the Canadian Minister of Labor, Norman A. McLartey, announced that the government of Canada had indicated its willingness that personnel of the International Labor Office necessary to carry on the services of the Office be transferred temporarily to Canada.[1] McGill University agreed to provide the necessary office accommodations. The trek to Montreal, which began last July,[2] was preceded by persistent rumors that headquarters of the Organization would be established at Lisbon.[3] The move to the American continent was made with a view to enabling the Organization to maintain more effectively its ties with neutral countries, and, particularly, countries of the American continents. The personnel transferred from Geneva was between forty and fifty persons.[4] Only a very meagre skeleton staff was

[1] "Transfer of International Labor Office Personnel to Montreal," *Monthly Labor Review*, Vol. 51, No. 3 (Sept., 1940), p. 585.

[2] *New York Times*, July 4, 1940, 3: 7. See also, *ibid.*, Aug. 8, 1940, 13: 3.

[3] See, for instance, *New York Times*, July 4, 1940, 2: 7.

[4] "Transfer of International Labor Office Personnel to Montreal," *op. cit.* See, however, an interview with John G. Winant, director of the International Labor

retained in Geneva, and the remainder of the Office staff, numbering some 300 men and women,[5] was given the choice of resignation or dismissal.

The establishment of an office of the I.L.O. on one of the American continents had been foreshadowed long before it actually occurred. The outbreak of war in Europe on September 1, 1939, imposed a severe handicap upon the International Labor Office in Geneva in its communication with the outside world. Notwithstanding the difficulties which it encountered, however, the Office endeavored for nine months to maintain its services and functions from Geneva. Research continued. Among the studies which were carried on through the end of 1939 and into the first half of 1940 were those dealing with problems of organization of the labor market arising from the war; migration; the influence of war and mobilization on hours of work, rest periods, and conditions of women's work; the adjustment of wage rates to changing prices; methods of coöperation between public authorities, workers' organizations, and employers' organizations; the adaptation of social insurance to mobilization and war; family budgets; and the compensation and rehabilitation of men disabled in the war. The publication of the usual periodicals of the Office continued until June, 1940, and the exchange of publications with governments and nongovernmental organizations is reported to have maintained a surprising continuity until about the same time.[6]

The governing body held its regularly scheduled meeting in February, 1940, and met again on April 22, 1940. The Committee of Experts, whose task it is to examine the annual reports of governments on the application of international labor conventions, held its annual meeting on April 29. The reports submitted to it numbered nearly 600.[6] As all of these were prepared and submitted after the outbreak of the European war, this was regarded as a heartening indication of the attention being given, even in war-time, to the social problems with which the I.L.O. deals. The ratification of international labor conventions also continued, although at a greatly reduced rate.

With the outbreak of war in Europe, it had been recognized by the governing body and its executive committee that the chief usefulness of the Organization would be rather in the continued study of and dissemination of information about labor problems and social conditions affecting labor standards than in the multiplication of international labor conventions. It was with this thought in mind, indeed, that the agenda of the

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Office, *New York Times*, Sept. 9, 1940, in which he was reported to have expressed the hope of transferring to Montreal "a large portion" of the staff.

[5] John S. Gambs, "The I.L.O. in War-time," *Monthly Labor Review*, Vol. 50, No. 5 (May, 1940), p. 1107.

[6] Information supplied by the Washington branch office.

International Labor Conference scheduled to meet in June, 1940, had been framed. The agenda had contained subjects for discussion rather than for action. The difficulties of carrying on research in Geneva, however, were not inconsiderable from the very outset of the war. They became greater as the area of war spread to additional European countries. Contacts with the rest of the world became subject to a variety of interruptions which threatened the usefulness of the Organization to neutral countries. The second regional conference of American states had been held in November, 1939, and had suggested lines of study and action by the I.L.O. in problems confronting the American states. Clearly, therefore, the Office had to seek establishment on one of the American continents.

It was the collapse of France that necessitated a sudden recognition of this need of transfer. At its sessions in April and June, 1939, the governing body had approved two reports from its emergency committee affirming that the Organization should endeavor to maintain the fullest possible activity, and that the Office should continue to function in its present premises unless this proved impossible. The events of May, 1940, settled the question. The session of the International Labor Conference scheduled to meet on June 5 was hastily postponed, as was the session of the governing body scheduled for June 1; meetings of various technical committees were suspended; and suitable headquarters for the Labor Office were sought in the American continents.

Although the I.L.O., in common with other international institutions, is thus drinking the lees of war, it is endeavoring not to neglect its opportunities for present service to neutral countries nor the problems of the future. The governing body has authorized the Office to begin studies of post-war problems which will confront the world upon the restoration of peace. These studies are necessary and should prepare the way for a more adequate handling of such problems than occurred after the First World War. The extent to which the Labor Office can maintain its publications, services, and studies, however, is necessarily dependent upon the limited staff and resources which it now possesses. Comparatively few records were transported from Geneva

SMITH SIMPSON.

University of Pennsylvania.

Thirty-sixth Annual Meeting of the American Political Science Association. The thirty-sixth annual meeting of the American Political Science Association was held in Chicago on Friday–Monday, December 27–30, 1940, with the Palmer House serving as headquarters. This was a joint meeting with the American Society for Public Administration, which held its second annual meeting at this time. Registrants numbered 1,130. There

were 403 registrants when the Association met in Chicago in 1936; 531 in Philadelphia in 1937; 555 in Columbus in 1938; and 1,232 in Washington, D. C., in 1939. Northwestern University and the University of Chicago served as hosts to the Associations, and the department of press relations of the University of Chicago had charge of publicity.

The first evening of the annual meeting was devoted to a dinner session commemorating the centenary of De Tocqueville's *Democracy in America.* The presidential addresses were given on the second evening at a joint session of the two societies. Robert C. Brooks spoke on "Reflections on the 'World Revolution' of 1940," and William E. Mosher on "Adjusting the Sights for Public Administration."

The addresses at the three luncheons were made by Francis Biddle, solicitor-general of the United States; John W. Bricker, governor of Ohio; and Senator Elbert D. Thomas of Utah. At the Sunday evening session, which was devoted to the subject of "Politics and Ethics," the three scheduled addresses were preceded by a radio broadcast on national defense by President Roosevelt, whose voice was heard by special arrangement in the Red Lacquer Room of the Palmer House. Monday afternoon was given over to an inspection trip to the Public Administration Clearing House located at 1313 East 60th Street, Chicago.

The program of 1940 constituted the most elaborate offering of subjects and participants in the history of this society. The joint program showed twelve sectional meetings and thirteen round tables, besides the general sessions at noon and evening. There were 345 participating persons on the program as compared with 264 in 1939 and 204 in 1938. Of the 345 participants, 224 were from the academic group and 121 from the non-academic group, including governmental officials. The program for the American Political Science Association was constructed by a committee under the chairmanship of W. Brooke Graves and for the American Society for Public Administration by a committee headed by Earl De Long. Both committees followed the recommendations of the Program Study Committee of 1939, under the chairmanship of Clarence A. Berdahl. Accordingly, a distinction was maintained between round tables and sections, with the purpose of eliminating the reading of all papers at round tables. The committee sought to draw into the sessions younger scholars as well as those of established reputation and to give particular emphasis to the critical problems of the current year. It was contemplated that the increase in number of round tables and sections would offer a wider selection of subjects to the members attending the annual meeting, provide more seating space for members, and give greater opportunity to members for active participation in the program, particularly in discussion from the floor.

New features of the program of 1940 were the one-listing rule and the

appointment of a secretary for each section and round table. In the past there has been criticism regarding the repetition of names of individual members on the program. There has been complaint that some members are crowded off the program by the double and triple appearance of certain members who occasionally fail even to appear at the annual meeting. In an effort to correct this situation, the Program Committee limited, with a few exceptions, all members to a single listing on the program. A secretary was attached to each section and round table in order to (a) assist the chairman, (b) gather information which will prove helpful in constructing the program of 1941, and (c) develop a technique for the publication of the proceedings of the annual meeting if and when such publication is undertaken.

The joint program, revised to show only those persons who actually participated in the various sessions, was as follows:[1]

Friday, December 27, at 9:30 A.M.

SECTIONAL MEETINGS

(1) Political Theory (*First Session*)

Chairman: Benjamin F. Wright, Harvard University
Secretary: Walter H. Bennett, University of Alabama
General Topic: Right and/or Utility

"The Impact of German Idealism in America," Thomas I. Cook, University of Washington.
"Benthamism in England and America," Paul A. Palmer, Kenyon College.
"Right and Utility in the Opinions of Chief Justice Fuller," Irving Dilliard, Editorial Staff, *St. Louis Post-Dispatch.*
Discussion: C. B. Robson, University of North Carolina.

(2) Latin American Affairs (*First Session*)

Chairman: Chester Lloyd Jones, University of Wisconsin
Secretary: D. Barlow Burke, Drexel Institute of Technology
General Topic: The Good Neighbor Policy and Current War Problems

"Latin American Attitude toward Direct Investment by Foreigners," William S. Culbertson, Washington, D. C.
"The Position of the United States Navy in the Caribbean," Rear Admiral John Downes, United States Navy, Commandant, Ninth Naval District, Great Lakes, Illinois.
"The Pan American Conferences of Lima, Panama, Havana," J. Lloyd Mecham, University of Texas.
"Political Developments in Venezuela and Colombia," John I. B. McCulloch, Editor, *Inter-American Quarterly.*

[1] The following signs are used preceding announcements in the program to indicate joint sponsorship of meetings: (*) American Political Science Association and American Society for Public Administration; (†) American Political Science Association and National Council for the Social Studies; (‡) American Political Science Association and American Association for Labor Legislation.

(3) FAR EASTERN AFFAIRS (*First Session*)

Chairman: Harold S. Quigley, University of Minnesota
Secretary: Eugene H. Miller, Ursinus College
General Topic: New Aspects of Government in Japan

"*Cabinet and Camp*," Chitoshi Yanaga, University of California at Berkeley.
"*Parties and Parliament*," Wilson Leon Godshall, Lehigh University.
"*Fiscal Policy in Japan*," James H. Shoemaker, Brown University.
"*Business and Government*," William M. McGovern, Northwestern University.
"*Recent Administration in Korea*," Harold J. Noble, University of Oregon.

(4) POLITICAL PARTIES AND ELECTIONS (*First Session*)

Chairman: E. E. Schattschneider, Wesleyan University
Secretary: J. B. Shannon, University of Kentucky
General Topic: The Negro in American Politics

"*The Major Parties and the Negro Voter in the Northern States in the Campaign of 1940*," Harold F. Gosnell, University of Chicago.
"*The Practical Operation of the System for Disfranchising Negroes in the Southern States*," Ralph J. Bunche, Howard University.
"*The Negro in Alabama Politics*," Charles W. Smith, Jr., University of Alabama.
"*Recent Trends in the Political Behavior of Negroes in New York City*," George Snowden, Shaw University.
"*The Negro in Philadelphia Politics*," Frances Reinhold Fussell, Swarthmore College.
"*The Negro in Pittsburgh Politics*," Elmer D. Graper, University of Pittsburgh.
"*Negro Voting Behavior in Detroit*," Edward H. Litchfield, Brown University.
Commentator: Thomas C. Donnelly, University of New Mexico.

(5) INTERNATIONAL LAW AND RELATIONS (*First Session*)

Chairman: Frederick S. Dunn, Yale University
Secretary: William T. R. Fox, Temple University
General Topic: International Law and the Changing International Order

"*International Law and Totalitarian War*," Philip C. Jessup, Columbia University.
"*International Law and the Totalitarian State*," Quincy Wright, University of Chicago.
"*International Law and Totalitarian Economics*," Gerhart Niemeyer, Princeton University.
"*International Organization and the Totalitarian State*," Percy W. Corbett, McGill University.

(6) PUBLIC LAW (*First Session*)

Chairman: Oliver P. Field, Indiana University
Secretary: John H. Marion, Rutgers University
General Topic: The Place of Public Law in the Present Curriculum

Discussion: James Hart, University of Virginia; Edward S. Corwin, Princeton University; Harvey Mansfield, Yale University; Ben A. Arneson, Ohio Wesleyan University; Francis R. Aumann, Ohio State University; Charles Aikin, University of California; Llewellyn Pfankuchen, University of Wisconsin; Earl G. Latham, University of Minnesota; Spencer D. Parratt, Syracuse University; David Fellman, University of Nebraska; F. F. Blachly, Brookings Institution; George C. S. Benson, University of Michigan; L. B. Sims, United States Bureau

of Census; H. L. Hamilton, Ohio State University; Cullen B. Gosnell, Emory University; John A. Vieg, Iowa State College.

(7) STATE GOVERNMENT (*First Session*)

Chairman: Lloyd M. Short, University of Minnesota
Secretary: William H. Coombs, Michigan State College
General Topic: An Appraisal of Earlier and More Recent Efforts to Integrate State Administration through Central Staff Agencies Responsible to the Governor

"*Alabama,*" Roscoe C. Martin, University of Alabama.
"*Indiana,*" Frank G. Bates, University of Indiana.
"*Kentucky,*" John W. Manning, University of Kentucky.
"*Minnesota,*" Leslie M. Gravlin, Commissioner of Administration, State of Minnesota. (Paper read by proxy.)
"*Pennsylvania,*" Edward B. Logan, Budget Secretary, Commonwealth of Pennsylvania.
"*Rhode Island,*" Mathew C. Mitchell, Brown University.
"*Canadian Provinces,*" Hugh McD. Clokie, University of Manitoba.
Discussion Leader: Harvey Walker, Ohio State University.

(8) GOVERNMENT AND BUSINESS (*First Session*)

Chairman: Charles C. Rohlfing, University of Pennsylvania
Secretary: John H. Ferguson, Pennsylvania State College
General Topic: Current Problems of Business Regulation

"*T.V.A.—A Case Study of Government Regulation,*" John G. Hervey, Temple University School of Law.
"*Regulative Policies of the Securities and Exchange Commission,*" William M. Blaisdell, Securities and Exchange Commission.
"*Some Administrative Aspects of Industrial Mobilization,*" E. Pendleton Herring, Harvard University.
"*The Governmental Corporation as an Administrative Device,*" John McDiarmid, University of Southern California.
"*Government Policy in the Control of Credit,*" David M. French, University of Michigan.
"*Legislative Barriers to Marketing,*" John H. Cover, National Resources Planning Board.

(9) LEGISLATION AND LEGISLATIVE PROCEDURE (*First Session*)

Chairman: Frederic H. Guild, University of Kansas, and Director, Research Department, Kansas Legislative Council
Secretary: Mona Fletcher, Kent State University
General Topic: Ideology and Practice in State Legislatures

"*The State Legislature and Democratic Foundations,*" Charles S. Hyneman, Louisiana State University.
"*Missing Rungs in the Legislative Ladder,*" Sam Wilson, Kansas State Chamber of Commerce.
"*The Pennsylvania Experiment,*" A. Alfred Wasserman, Pennsylvania Joint State Government Commission.
"*Informational Aids to the California Legislature,*" Samuel C. May, Bureau of Public Administration, University of California.
Discussion: Luther H. Evans, Library of Congress; Edwin E. Witte, University of Wisconsin; and others.

(10) CITIZEN ORGANIZATION

Chairman: Harold M. Dorr, University of Michigan
Secretary: Russell H. Ewing, University of Denver
General Topic: Recent Developments in Citizen Organization

"Citizen Organization: A Tool for Democratic Control," Howard Kline, University of Maryland.
"Citizen Organizations: Success or Failure," Allen H. Seed, Minneapolis Civic Council.
"Financing Citizen Organizations," Albert Lepawsky, Federation of Tax Administrators.
"Publicity and Public Relations," Roy V. Peel, Indiana University.

Friday, December 27, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

Presiding Officer: H. Clarence Nixon, Vanderbilt University and Second Vice-President of the Association

Speaker: Francis Biddle, Solicitor General of the United States.
Subject: Government and the Public.

Friday, December 27, at 2:30 P.M.

SECTIONAL MEETINGS

(11) EUROPEAN AFFAIRS (*First Session*)

Chairman: Harold Zink, DePauw University
Secretary: John D. Tomlinson, Wabash College
General Topic: The Effects of the War on the Governments of Europe

"The Preservation of Parliamentary Government in England," Eugene P. Chase, Lafayette College.
"The Effects of the War on the Government of Germany," Fritz Morstein Marx, Queens College.
"The Effects of the War on the Political Institutions of the U.S.S.R.," John N. Hazard, Columbia University.
"Impact of the War on the Government of Italy," William Ebenstein, University of Wisconsin.
Discussion Leader: Rushton Coulborn, Atlanta University.

(12) NATIONAL DEFENSE

Chairman: William Y. Elliott, Harvard University
Secretary: Mary Earhart Dillon, Northwestern University

"American Defense: Critique of Our Policy," Brooks Emeny, Council on Foreign Relations, Cleveland, Ohio.
"American Defense: Strategy," Major George Fielding Eliot, Columbia Broadcasting System.
"American Defense: Canada and the United States," A. R. M. Lower, United College, Winnipeg, Canada.
Discussion Leader: Elbert D. Thomas, United States Senate.

Friday, December 27, at 7:00 P.M.

SUBSCRIPTION DINNER

Commemorating the Centenary of De Tocqueville's
Democracy in America
Presiding Officer: President Robert C. Brooks, Swarthmore College
Chairman: Phillips Bradley, Queens College

"*A Frenchman's View of De Tocqueville's 'Democracy in America'*," Pierre Cot, University of Rennes, formerly French Minister of Commerce.
"*De Tocqueville's Observations in Jacksonian America*," G. W. Pierson, Yale University.
"*De Tocqueville's Democracy—A Century Later*," Charles E. Merriam, University of Chicago.
"*Democracy*," T. V. Smith, former Congressman-at-Large from Illinois.

Saturday, December 28, at 8:00 A.M.

BREAKFAST MEETINGS

(1) PENNSYLVANIA POLITICAL SCIENCE ASSOCIATION
Chairman: W. Brooke Graves, Temple University.
(2) MANAGERIAL COMMITTEE OF THE MIDWEST CONFERENCE OF POLITICAL SCIENTISTS
Chairman: Francis G. Wilson, University of Illinois.
(3) PI SIGMA ALPHA
Chairman: John W. Manning, University of Kentucky.
(4) COMMITTEE ON THE SOCIAL STUDIES
Chairman: Phillips Bradley, Queens College.

Saturday, December 28, at 9:30 A.M.

ROUND TABLES

(1) PUBLIC OPINION AND PROPAGANDA (*First Session*)
Chairman: Harwood L. Childs, Princeton University
Secretary: Donald S. Bussey, Princeton University
General Topic: Public Opinion Problems in a Democracy

"*Qualitative Opinion Surveys*," Archibald M. Crossley, New York City.
"*Political Forecasts, Polls, and Patterns*," Louis H. Bean, U. S. Department of Agriculture.
"*Public Opinion—Its Limitations and Capabilities*," Charles H. Titus, University of California at Los Angeles.
"*The Sociological Approach to the Study of Public Opinion*," William Albig, University of Illinois.
"*Sound and Unsound Practices in Government Public Relations*," Arch A. Mercey, Office of Government Reports, Executive Office of the President.
"*Rôle of Public Opinion in Determining Public Policy*," Carl J. Friedrich, Harvard University.

*(2) PROBLEMS OF PERSONNEL ADMINISTRATION (*First Session*)
Chairman: Arthur S. Flemming, United States Civil Service Commission
Secretary: J. Donald Kingsley, Antioch College
General Topic: The Contribution that Colleges and Universities Can Make in Meeting the Personnel Needs of Federal, State, and Local Governments in an Emergency Period

Discussion: Frederick M. Davenport, Federal Council of Personnel Administration; Winston B. Stephens, United States Civil Service Commission; Fred J. Kelly, Higher Education Division, United States Office of Education; Harvey Walker, Ohio State University; Paul Kern, New York City Civil Service Commission.

*‡(3) Administration under American Federalism (*First Session*)

Chairman: Arthur W. Macmahon, Columbia University
Secretary: Nicholas P. Mitchell, Furman University
General Topic: Intergovernmental Collaboration in Defense

"The Division of State and Local Coöperation and the State Councils of Defense," Aldin Rosenman, National Defense Advisory Commission.
"The Defense Impact and Intergovernmental Relations in Housing," Coleman Woodbury, National Association of Housing Officials.
"The Federal-State Conference on Law Enforcement—Some Problems of National Defense," Harry C. Nail, Jr., National Association of Attorneys General.
Discussion: William D. Carey, Columbia University; Hubert R. Gallagher, Council of State Governments; Samuel C. May, University of California.

(4) Teaching Problems in Political Science (*First Session*)

Chairman: Francis O. Wilcox, University of Louisville
Secretary: Ralph E. Page, Bucknell University
General Topic: The Political Science Teacher and the World Crisis

Discussion: H. Schuyler Foster, Jr., Ohio State University; James K. Pollock, University of Michigan; John A. Vieg, Iowa State College; Kirk H. Porter, University of Iowa; Rodney L. Mott, Colgate University; Grayson L. Kirk, Columbia University.

*(5) The Problem of the Public Debt (*First Session*)

Chairman: Simeon E. Leland, University of Chicago
Secretary: C. Herman Pritchett, University of Chicago
General Topic: Should the National Debt Be Limited?

"Pros and Cons of National Debt Limitation," Lawrence H. Seltzer, Wayne University. (Paper read by proxy.)
"The Budgetary Problem from a Cyclical Point of View," Gerhard Colm, United States Bureau of the Budget.
"The Economic Limit and Significance of the National Debt," Mabel Newcomer, Vassar College.
"Political Problems Created by National Debt," George C. S. Benson, University of Michigan.
Discussion: Luther Gulick, Institute of Public Administration; Paul Studenski, New York University; Harold Smith, Director of the Budget.

(6-a) American Foreign Policy

Chairman: Walter H. C. Laves, University of Chicago
Secretary: James T. Watkins, IV, University of Chicago
General Topic: Military Policy and Foreign Policy

"The Traditional Relation between Military and Foreign Policy in the United States."
"Limits Imposed on Our Foreign Policy by the Size of Our Present Military Force."

"For What Kind of a Foreign Policy Should Our Military Force Be Built?"
"The Relation between the Military and Non-Military Aspects of the American Defense Problem."
Discussion: Edward Mead Earle, Institute for Advanced Study; Major George Fielding Eliot, Columbia Broadcasting System; William Y. Elliott, Harvard University; Walter R. Sharp, College of the City of New York; Harold H. Sprout, Princeton University; Shepard L. Witman, University of Omaha.

*(7) Local Government (*First Session*)

Chairman: Charles M. Kneier, University of Illinois
Secretary: James C. Charlesworth, Institute of Local and State Government, University of Pennsylvania
General Topic: Some Aspects of the Municipal Revenue Problem

"General Property Tax Limitation," Arthur W. Bromage, University of Michigan.
"The Final Disposition of Tax Delinquent Lands," Carl H. Chatters, Municipal Finance Officers' Association.
"New Sources of Municipal Revenue," Stuart A. MacCorkle, University of Texas.
"In Lieu Payments by the National Government to State and Local Governments," Lawrence L. Durisch, Tennessee Valley Authority.
"Financial Effect on Local Governments of the Changing Relationships between Federal, State, and Local Governments," Patterson H. French, Social Science Research Council, Committee on Public Administration.

*(8) Public Reporting (*First Session*)

Chairman: James L. McCamy, United States Department of Agriculture
Secretary: Nathan Leites, University of Chicago
General Topic: Measurement

"Research in Attitudes as Related to Public Reporting," Herman C. Beyle, Syracuse University.
"Relation of Measurement to Policy in Reporting," John Corson, Social Security Board.
"Opinion Measurement in Administration," Rensis Likert, Program Surveys Division, United States Bureau of Agricultural Economics.

(9) Relation of Political Science to the Other Social Sciences (*First Session*)

Chairman: Ernest S. Griffith, Library of Congress
Secretary: Gabriel A. Almond, Brooklyn College
General Topic: The Sphere of Political Science

During the past year, a small group has been working on a draft report dealing with the scope of the phenomena which the political scientist may regard as his peculiar sphere. This report is available in advance to any Association members desiring to participate in the discussion, and will be formally presented at the meeting by the members of the group, which includes: Marshall E. Dimock, Lewis B. Sims, A. Gordon Dewey, Brooklyn College, and the Chairman. The discussion will center around the report.
Discussion: Paul W. Ward, Syracuse University.

*(10) GOVERNMENTAL ASPECTS OF NATIONAL PLANNING (*First Session*)

Chairman: George B. Galloway, National Economic and Social Planning Association
Secretary: Frank P. Bourgin, Duluth State Teachers College
General Topic: Planning Activities in the Federal Government

"*The Process of Plan-Making in the National Resources Planning Board*," Charles E. Merriam, University of Chicago.
"*Over-All Financial Planning through the Bureau of the Budget*," Arthur N. Holcombe, Harvard University.
"*Administrative Aspects of Agricultural Planning*," Leon O. Wolcott, United States Department of Agriculture.

(11) A POST-MORTEM OF THE 1940 ELECTION

Chairman: E. Allen Helms, Ohio State University
Secretary: Belle Zeller, Brooklyn College

"*The 1940 Election and the Pacific Coast Area*," Thomas S. Barclay, Stanford University.
"*Some Problems of Campaign Strategy in 1940*," Earl DeLong, Northwestern University.
"*The Place of the Press in the 1940 Election*," Irving Dilliard, Editorial Staff, *St. Louis Post-Dispatch*.
"*Party Finance in 1940*," Louise Overacker, Wellesley College.
"*Partisanship and the Balance of Power*," Arthur N. Holcombe, Harvard University.
"*What Issues Have Survived the Election?*," Francis W. Coker, Yale University.
"*The Effect of the Election on the Political Parties*," Clarence A. Berdahl, University of Illinois.

*(12) BUDGET ADMINISTRATION AND INTERRELATIONSHIPS (*First Session*)

Chairman: Donald C. Stone, Executive Office of the President, Bureau of the Budget
Secretary: Horace Wilkie, Executive Office of the President
General Topic: Functions and Internal Administration of Budget Agencies

Discussion: Rowland A. Egger, Director of the Budget, Commonwealth of Virginia; Herbert Emmerich, Public Administration Clearing House, Chicago; Kenneth Dayton, Director of the Budget, New York City; William A. Jump, United States Department of Agriculture; Robert F. Steadman, Syracuse University; John Edy, Federal Works Agency; John P. Millett, Social Science Research Council; William A. Sponsler, III, Assistant Budget Secretary, Commonwealth of Pennsylvania; Paul Ager, Tennessee Valley Authority; David L. Robinson, Jr., Public Administration Service, Chicago.

Saturday, December 28, at 12:30 P.M.

SUBSCRIPTION LUNCHEON—JOINT SESSION

American Political Science Association and American Society for Public Administration
Presiding Officer: William E. Mosher, Syracuse University
Subject: Recent Trends in State Administration

Speaker: Governor John W. Bricker of Ohio.

Saturday, December 28, at 2:30 P.M.

SECTIONAL MEETINGS

(1) Political Theory (*Second Session*)

Chairman: Benjamin F. Wright, Harvard University
Secretary: Walter H. Bennett, University of Alabama
General Topic: Agrarianism and Political Theory

"*Proudhon and American Agrarianism,*" Frederick M. Watkins, Cornell University.
"*The A.A.A. Experience and Guild Socialist Theory,*" John M. Gaus, University of Wisconsin.
"*The Theory of Agricultural Democracy,*" M. L. Wilson, United States Department of Agriculture.
Discussion: John D. Lewis, Oberlin College.

(2) Latin American Affairs (*Second Session*)

Chairman: Chester Lloyd Jones, University of Wisconsin
Secretary: D. Barlow Burke, Drexel Institute of Technology
General Topic: Political Developments in Latin America

"*Economic Coöperation by the American Republics,*" D. Maynard Phelps, University of Michigan.
"*Political Prospects in Mexico,*" Edith C. Bramhall, Colorado College.
"*Executive Power in Central America,*" R. H. Fitzgibbon, University of California at Los Angeles.
"*Intermunicipal Coöperation in the Americas,*" Albert Lepawsky, University of Chicago.
"*Totalitarian Activities in Latin America,*" Simon G. Hanson, Economist, National Defense Advisory Commission.

(3) Far Eastern Affairs (*Second Session*)

Chairman: Harold S. Quigley, University of Minnesota
Secretary: Eugene H. Miller, Ursinus College
General Topic: New Aspects of Government in China

"*Chiang, Wang, and the Kuomintang,*" Paul M. A. Linebarger, Duke University. (Paper read by proxy.)
"*Administration at Peking,*" George E. Taylor, University of Washington. (Paper read by proxy.)
"*Communism and the People,*" Philip J. Jaffe, Editor, *Amerasia.*
"*Mongolia and Manchuria,*" William B. Ballis, Ohio State University.
"*The Shanghai Settlements,*" H. Arthur Steiner, University of California at Los Angeles.

(4) Political Parties and Elections (*Second Session*)

Chairman: E. E. Schattschneider, Wesleyan University
Secretary: J. B. Shannon, University of Kentucky
General Topic: Public Opinion Polls and Straw Votes

"*Polls and Sampling Principles,*" S. S. Wilks, Princeton University.
"*Some Technical Aspects of the Public Opinion Polls,*" John K. Tibby, American Institute of Public Opinion.
"*America Faces the War; A Study in Public Opinion,*" Hadley Cantril, Director of the Princeton Public Opinion Research Project.

"The Trends Theory of Forecasting Elections," Louis H. Bean, United States Department of Agriculture.

"The British Institute of Public Opinion," Henry W. Durant, British Institute of Public Opinion.

(5) INTERNATIONAL LAW AND RELATIONS (*Second Session*)

Chairman: Robert R. Wilson, Duke University
Secretary: William T. R. Fox, Temple University
General Topic: Factors in International Reconstruction

"The Political Basis of Federation," William P. Maddox, University of Pennsylvania.

"Labor's Part in War and Reconstruction," Marshall E. Dimock, Immigration and Naturalization Service, United States Department of Justice, former Assistant Secretary of Labor.

"The German Conception of Hegemony," Eric Voegelin, University of Alabama.

Discussion: Conley H. Dillon, Marshall College; Dean E. McHenry, University of California at Los Angeles; Grayson L. Kirk, Columbia University; Lashley G. Harvey, University of New Hampshire.

‡(6) PUBLIC LAW (*Second Session*)

Chairman: Charles S. Ascher, Social Science Research Council, Committee on Public Administration
Secretary: John H. Marion, Rutgers University
General Topic: The Problem of Administrative Discretion and the Walter-Logan Bill

Discussion: Frederick F. Blachly, Brookings Institution; Walter F. Dodd, Dodd and Matheny, Chicago; Ralph F. Fuchs, Washington University Law School; Martin Philipsborn, Jr., Division of Revenue, Illinois State Department of Finance.

(7) STATE GOVERNMENT (*Second Session*)

Chairman: Hubert R. Gallagher, Council of State Governments
Secretary: William H. Combs, Michigan State College
General Topic: Recent Developments in Interstate Coöperation

"Progress in Interstate Relations in the East," Frederick L. Zimmerman, Hunter College.

"Progress in Interstate Relations on the Pacific Coast," Victor Jones, University of California.

"Progress in Interstate Relations in the South," Weldon Cooper, University of Alabama.

"What We Can Learn from Canada—Interprovincial Coöperation in the Dominion," Alex Skelton, Executive Secretary of the Royal Commission.

"Methods of Settling Disputes Between State Governments," William E. Treadway, Indiana Commission on Interstate Coöperation.

"The Work of the Council of State Governments," Frank Bane, Council of State Governments. (Paper read by proxy.)

(8) GOVERNMENT AND BUSINESS (*Second Session*)

Chairman: Charles C. Rohlfing, University of Pennsylvania
Secretary: John H. Ferguson, Pennsylvania State College
General Topic: Government and Business in a Preparedness Economy

"Government and Industrial Mobilization," Caroline Ware, Advisory Commission to the Council on National Defense.

"*The Economics of Industrial Mobilization*," Myron H. Umbreit, Northwestern University.
"*Railroads and a Preparedness Economy*," Lewis C. Sorrell, University of Chicago.
"*Effect of National Defense on a Housing Program*," Edward W. Carter, University of Pennsylvania.
"*Government Price Control Policies*," Ford P. Hall, Indiana University.

(9) LEGISLATION AND LEGISLATIVE PROCEDURE (*Second Session*)

Chairman: Frederic H. Guild, University of Kansas
Secretary: Mona Fletcher, Kent State University
General Topic: Improving the Bicameral System in the States

"*The Problem of Reapportionment*," Charles W. Shull, Wayne University.
"*The Essential Features of a Model Bicameral Legislature*," O. Douglas Weeks, University of Texas.
"*De Facto Unicameralism*," Frank E. Horack, Jr., Indiana University.
Discussion: C. I. Winslow, Goucher College; A. R. Hatton, Northwestern University, and others.

(11) EUROPEAN AFFAIRS (*Second Session*)

Chairman: Harold Zink, DePauw University
Secretary: John D. Tomlinson, Wabash College
General Topic: The Effects of the War on the Governments of Europe

"*France*," J. G. Heinberg, University of Missouri.
"*Norway and Sweden*," A. G. Ronhovde, Rutgers University.
"*The Balkans*," Joseph S. Roucek, Hofstra College.
"*Latvia, Lithuania, and Esthonia*," Max M. Laserson, formerly of the University of Petrograd and the Economic Institute of Riga.
"*Germany*," Taylor Cole, Duke University.
"*England*," William H. Wickwar, Rockford College.
"*The U.S.S.R.*," Bertram W. Maxwell, Washburn College.
"*France*," Egon Wertheimer, formerly, League of Nations Secretariat.

Saturday, December 28, at 5:00 P.M.

Dinner, Board of Editors, PUBLIC ADMINISTRATION REVIEW

Saturday, December 28, at 6:00 P.M.

Dinner, Board of Editors, AMERICAN POLITICAL SCIENCE REVIEW

Saturday, December 28, at 8:00 P.M.

PRESIDENTIAL ADDRESSES—JOINT SESSION

American Political Science Association and American Society for Public Administration
Presiding Officer: Francis W. Coker, Yale University

"*Adjusting the Sights for Public Administration*," William E. Mosher, Syracuse University, President, American Society for Public Administration.
"*Reflections on the 'World Revolution' of 1940*," Robert C. Brooks, Swarthmore College, President, American Political Science Association.

Saturday, December 28, at 9:30 P.M.

*SMOKER

Hosts: Northwestern University and University of Chicago
Members and guests of both societies are cordially invited to be present

Sunday, December 29, at 9:00 A.M.

Breakfast Meeting, State Government Committee, National Municipal League

Sunday, December 29, at 9:00 A.M.

BREAKFAST CONFERENCES—American Society for Public Administration

(1) The Revenue Side of the Budget

Chairman: Leslie M. Gravlin, Commissioner of Administration, State of Minnesota
Reporter: I. M. Labovitz, Illinois State Tax Commission

Discussion: Kenneth Dayton, City of New York; Frederic H. Guild, Kansas State Legislative Council; George W. Mitchell, Illinois State Tax Commission; Fladger Tannery, National Association of State Auditors, Comptrollers, and Treasurers; Albert W. Lepawsky, National Federation of Tax Administrators; Paul Studenski, New York University; Clyde Reeves, Commissioner of Revenue, Commonwealth of Kentucky; William A. Sponsler, III, Assistant Budget Secretary, Commonwealth of Pennsylvania; Gerhard Colm, United States Bureau of the Budget; Rowland A. Egger, Director of the Budget, Commonwealth of Virginia.

(2) Measurement of the Qualities of Administrators

Chairman: Leonard D. White, University of Chicago
Reporter: Harvey Sherman, University of Chicago

"*Progress Reports on Research,*" L. L. Thurstone, University of Chicago; Patterson H. French, Committee on Public Administration.
Comments and discussion: Ralph J. Tyler, University of Chicago, and Albert Blankenship, Committee on Public Administration.
"*Report on Administrative Biographies,*" George C. S. Benson, University of Michigan.
"*Improved Administrative Procedures to Develop Administrative Ability,*" Paul Kern, New York City Civil Service Commission; Leonard D. White, University of Chicago.

(3) Problems of Office Management

Chairman: Gordon Clapp, General Manager, Tennessee Valley Authority
Reporter: Leonard F. Reichle, Tennessee Valley Authority

Discussion: Arnold Brecht, New School for Social Research; Robert Biren, Minnesota State Civil Service Department; John J. Corson, Social Security Board; Robert P. Brecht, Wharton School of Finance and Commerce, University of Pennsylvania; Dorsey W. Hyde, Jr., The National Archives; Arthur W. Macmahon, Columbia University.

(4) Research in Public Administration

Sponsored by the Society's Committee on Research
Chairman: William Anderson, University of Minnesota
Reporter: Charles S. Ascher, Social Science Research Council

The theme of this session was: "Wanted: A Research Program for the Society."

Besides the chairman, the following members of the Committee on Research participated: Joseph P. Harris, Northwestern University; Henry McFarland, New York State Civil Service Commission; Harold Seidman, Department of Investigation of the City of New York.

Sunday, December 29, at 2:30 P.M.

BUSINESS MEETING—American Political Science Association

Presiding Officer: President Robert C. Brooks, Swarthmore College

GENERAL SESSION—American Society for Public Administration

Presiding Officer: Louis Brownlow, Public Administration Clearing House
Reporter: Joseph P. Harris, Northwestern University
General Topic: The Executive Office of the President

Speakers:
"*The Bureau of the Budget,*" Harold D. Smith.
"*The National Resources Planning Board,*" Charles E. Merriam.
"*The Liason Office for Personnel Management,*" William H. McReynolds. (Paper read by G. Lyle Belsley.)
"*The Office of Government Reports,*" Lowell Mellett. (Paper read by Katherine Blackburn.)
"*Office for Emergency Management,*" William H. McReynolds. (Paper read by G. Lyle Belsley.)
Summary: Luther Gulick, Institute of Public Administration.

Sunday, December 29, at 4:30 P.M.

TEA—For women members and wives of members of the American Political Science Association and the American Society for Public Administration and their guests. Hostesses: Mrs. Clifton M. Utley and Mrs. George G. Bogert, President of the Illinois League of Women Voters, at the home of Mrs. Clifton M. Utley, 5827 South Blackstone Avenue, Chicago.

Sunday, December 29, at 8:00 P.M.

BUSINESS MEETING—American Society for Public Administration

Presiding Officer: President William E. Mosher, Syracuse University

Agenda included: reports of officers of the Society, reports of officers of local chapters, election of officers of the Society, discussion of problems of chapter organization, and discussion of problems of the *Public Administration Review.*

GENERAL SESSION—American Political Science Association

Presiding Officer: Francis G. Wilson, University of Illinois
General Topic: Politics and Ethics

"*Democratic Ends and Totalitarian Means,*" Max Lerner, Williams College.
"*Psychology Looks at Politics and Ethics,*" Harold D. Lasswell, Washington School of Psychiatry.
"*Ethics and Political Intervention in the Field of Social Action,*" Father John A. Ryan, National Catholic Welfare Conference, Washington, D. C.

Monday, December 30, at 8:00 A.M.

BREAKFAST MEETING

(1) TRAINING FOR AMERICAN CITIZENSHIP IN SCHOOLS AND COLLEGES

Sponsored jointly by the American Political Science Association
and the National Council for the Social Studies
Chairman: John Haefner, Acting Head of Social Studies,
University High School, State University of Iowa
Secretary: Ralph E. Page, Bucknell University
General Topic: Materials for Citizenship Training

"*Materials Which Develop Social Insights,*" Mabel Snedaker, Supervisor of Social Studies, University Elementary School, State University of Iowa.

"*Tools for Building Citizens in High Schools,*" Howard Cummings, Clayton High School, Clayton, Missouri.

"*The Rôle of Teacher Training Institutions,*" Hilda Watters, Western Illinois State Teachers College.

"*Cases and Situations Involving Civil Liberties,*" Louis E. Frechtling, Research Assistant, American Political Science Association's Committee on the Social Studies.

Monday, December 30, at 9:30 A.M.

ROUND TABLES

(1) PUBLIC OPINION AND PROPAGANDA (*Second Session*)

Chairman: Harwood L. Childs, Princeton University
Secretary: Donald S. Bussey, Princeton University
General Topic: World War Propaganda, 1939–1940

"*Belligerent Propaganda by Short Wave,*" Harold Graves, Princeton Listening Center.

"*The British Ministry of Information,*" Cedric Larson, Washington, D. C.

"*Propaganda and Nazi Techniques of Terrorism,*" Vernon McKenzie, University of Washington.

"*The Swedish Bureau of Information,*" Eric C. Bellquist, University of California at Berkeley.

"*Public Opinion and National Defense,*" Robert Horton, National Defense Advisory Commission, and Edward L. Bernays, New York City.

*(2) PROBLEMS OF PERSONNEL ADMINISTRATION (*Second Session*)

Chairman: Arthur S. Flemming, United States Civil Service Commission
Secretary: J. Donald Kingsley, Antioch College
General Topic: The Contribution that Colleges and Universities Can
Make in Meeting the Personnel Needs of Federal, State, and
Local Governments in an Emergency Period

G. Lyle Belsley, Executive Office of the President; James C. O'Brien, National Roster of Scientific and Specialized Personnel; Henry F. Hubbard, Federal Council of Personnel Administration, Director of Survey of Personnel Resources of State and Local Government; Katherine Frederick, National Defense Advisory Commission; Winston Stevens, United States Civil Service Commission; Samuel May, University of California.

*(3) ADMINISTRATION UNDER AMERICAN FEDERALISM (*Second Session*)

Chairman: Arthur W. Macmahon, Columbia University
Secretary: Nicholas P. Mitchell, Furman University
General Topic: Intergovernmental Relations in Defense —the Problem of Man Power

"*The Selective Service Act*," Joseph P. Harris, Northwestern University.
"*Employment Security*," Ewan Clague, Bureau of Employment Security, Social Security Board.
"*The Coördination of Training for Defense Industries*," Lieutenant Colonel Frank J. McSherry, Labor Supply and Training Section, National Defense Advisory Commission.
Discussion Leader: Daniel L. Goldy, Illinois Division of Placement and Unemployment Compensation.

†(4) TEACHING PROBLEMS IN POLITICAL SCIENCE (*Second Session*)

Sponsored jointly by the American Political Science Association and the National Council for the Social Studies
Chairman: Howard White, Miami University
Secretary: Ralph E. Page, Bucknell University
General Topic: Methods of Citizenship Training

"*From Knowledge to Action*," Howard E. Wilson, Graduate School of Education, Harvard University.
"*Making Citizenship Education Effective*," George H. Watson, Southern Illinois Normal University.
"*Training for Non-College Citizens*," Edwin H. Reeder, College of Education, University of Illinois.
"*National Foundation for Education in American Citizenship; Its Program*," Samuel R. Harrell, Chairman, National Foundation for Education in Citizenship.
"*Learning by Doing*," O. Garfield Jones, University of Toledo.
"*Using Local Community Resources*," Jules Karlin, Chicago Teachers College.

*(5) THE PROBLEM OF THE PUBLIC DEBT (*Second Session*)

Chairman: Simeon E. Leland, University of Chicago
Secretary: C. Herman Pritchett, University of Chicago
General Topic: Intergovernmental Loans as a Form of Fiscal Assistance

"*Position of State and Local Borrowing*," Frederick L. Bird, Dun and Bradstreet.
"*Case in Favor of Loans by Central to Subordinate Governments*," J. A. Maxwell, Clark University.
"*Pitfalls and Dangers of Such a Policy*," A. M. Hillhouse, University of Cincinnati.
"*Impact of Proposal on Public and Private Finance*," Clarence Heer, National Resources Planning Board and University of North Carolina.
Discussion: Royal Van de Woestyne, University of Chicago; I. M. Labowitz, Illinois Tax Commission.

(6-b) NATIONAL UNITY AND NATIONAL DEFENSE

Chairman: Walter H. C. Laves, University of Chicago
Secretary: James T. Watkins, IV, University of Chicago

"*Influences Working Against National Cohesion of Opinion*" (Foreign and Domestic).

"Influences Working For National Cohesion of Opinion" (Official and Unofficial).
"Democracy, Civil Liberties, and the Limits to Organizing Consent in the Interest of National Defense."
"Symbols and Forms of Appeal For and Against Cohesion in American Opinion."
Discussion: L. M. Birkhead, Friends of Democracy; Ralph D. Casey, University of Minnesota; Carl J. Friedrich, Harvard University; Harold D. Lasswell, Washington School of Psychiatry; Arthur Pope, Chairman of Committee on National Morale; Saul K. Padover, Department of the Interior; Leo C. Rosten, Division of Information, National Defense Commission.

*(7) Local Government (*Second Session*)

Chairman: Clyde F. Snider, University of Illinois
Secretary: James C. Charlesworth, Institute of Local and State Government, University of Pennsylvania
General Topic: Rural Local Government in Transition

"State Centralization and Its Results," Kirk H. Porter, State University of Iowa.
"Functional Consolidation," Frank M. Stewart, University of California at Los Angeles.
"Newer County Functions," M. Harry Satterfield, Tennessee Valley Authority.
"Executive Integration at the County Level," Pressly S. Sikes, Indiana University.
"Trends in New England Town Government," Lawrence L. Pelletier, University of Maine.
"The Future of Local Government in Rural America," Roger H. Wells, Bryn Mawr College.

*(8) Public Reporting (*Second Session*)

Chairman: James L. McCamy, United States Department of Agriculture
Secretary: Nathan Leites, University of Chicago
General Topic: Personnel

"Techniques for Determining Emotional Factors," Herman C. Beyle, Syracuse University.
"Personality Traits in Public Reporting," Bruce Lannes Smith, New York University.
"Simplifying Personnel Forms," Rensis Likert, Program Surveys Division, United States Bureau of Agricultural Economics.

(9) Relation of Political Science to the Other Social Sciences (*Second Session*)

Chairman: Ernest S. Griffith, Library of Congress
Secretary: Gabriel A. Almond, Brooklyn College
General Topic: Contributions in Methodology and Content to Political Science from Other Social Sciences

The participants were of two groups: (1) representatives of the other disciplines that have dealt with political phenomena; (2) representatives of political science who have used concepts and methods of the other disciplines. In general, the problem of the survival of democracy served as a case study.
"Economics," Fritz Ermarth.
"History," Ralph J. Turner, Economic Historian, Social Security Board, and Summerfield Baldwin, III, Western Reserve University.
"Sociology and Cultural Analysis," Caroline Ware, American University.
"Psychology," Robert Waelder, Editor, *Imago*, and Angus M. Laird, University of Florida.

*(10) GOVERNMENTAL ASPECTS OF NATIONAL PLANNING
(*Second Session*)

Chairman: George B. Galloway, National Economic and Social Planning Association
Secretary: Frank P. Bourgin, Duluth State Teachers College
General Topic: The Architecture of Public Planning

"*Planning for Industrial Mobilization in War-Time*," Harold J. Tobin, Dartmouth College. (Paper read by proxy.)

"*Regional Planning in the Tennessee Valley*," Gordon Clapp, General Manager, Tennessee Valley Authority.

"*Proposed Changes in Governmental Planning Mechanisms*," E. Johnston Coil, National Economic and Social Planning Association.

*(12) BUDGET ADMINISTRATION AND INTERRELATIONSHIPS (*Second Session*)
Chairman: Herbert Emmerich, Public Administration Clearing House
Secretary: Horace Wilkie, Executive Office of the President
General Topic: Interrelationships between the Budget Agency and Personnel, Planning, Accounting, and Other Staff Agencies

Discussion: Paul Ager, Budget Director, Tennessee Valley Authority; M. P. Catherwood, Cornell University, and Chairman, New York State Planning Commission; David L. Robinson, Jr., Executive Director, Public Administration Service, Chicago; C. A. Harrell, City Manager of Schenectady; William A. Jump, Director of Finance and Budget Office, United States Department of Agriculture; Rowland A. Egger, Director of the Budget, Commonwealth of Virginia; Kenneth Dayton, Director of the Budget, New York City; R. A. Dayton, Superintendent of the Budget, North Carolina; William A. Sponsler, III, Assistant Budget Secretary, Commonwealth of Pennsylvania.

*(13) JUDICIAL ADMINISTRATION

Chairman: Rodney L. Mott, Colgate University
Secretary: Wilbert L. Hindman, Colgate University
General Topic: Current Administrative Problems of Federal and State Courts

"*The Judicial Council of the State of New York: Its Objectives, Methods, and Accomplishments*," Edson R. Sunderland, University of Michigan, and Leonard S. Saxe, Executive Secretary, Judicial Council of the State of New York.

"*The Administrative Office of the United States Courts*," Henry P. Chandler, Administrative Office of the United States Courts.

"*The Judiciary Article of the New Model State Constitution*," Rodney L. Mott, Colgate University.

Monday, December 30, at 12:30 P.M.

*SUBSCRIPTION LUNCHEON—JOINT SESSION

American Political Science Association and American Society for Public Administration
Presiding Officer: T. V. Smith, University of Chicago
Speaker: Elbert D. Thomas, United States Senate, and First Vice-President of the American Political Science Association
Subject: One Hundred and Fifty Years of Civil Rights in the United States

Monday, December 30, at 2:30 P.M.

*Inspection Trip to the Public Administration Clearing House located at 1313 East 60th Street and the University of Chicago.

At the annual business meeting, the Secretary-Treasurer reported the total membership of the society as 2,857. Of this number, 2,442 are regular members, 31 sustaining members, 44 life members, and 340 associate members. During the year, 597 new members were added, while there were 182 cancellations, making a net gain of 415, as compared with 352 in 1939, 140 in 1937, and 90 in 1936. A considerable part of this gain is represented by an increase in subscriptions to the AMERICAN POLITICAL SCIENCE REVIEW on the part of libraries. Efforts were made throughout the year to increase the circulation of the REVIEW among public and college libraries. A special circular to advertise the REVIEW among librarians was published; nevertheless a large number of college libraries are still without the REVIEW. Fifteen Chinese university libraries were given the REVIEW in the year 1940 without charge. The Secretary-Treasurer expressed the appreciation of the Executive Council for the loyal assistance of the members of the Association who promoted the increase in membership by their nominations of colleagues, students, editors, and public officials. Members were urged to lend their support to a continuation of the membership campaign for the year 1941. On the recommendation of Oliver P. Field, chairman of the Committee on Perpetual Members, the Secretary-Treasurer was instructed to negotiate for the termination of such institutional memberships.

The financial report of the Secretary-Treasurer indicated that the income for the year 1940 was $14,596.32, as compared with $12,915.27 in the year 1939. Expenditures were $16,229.65, as compared with $12,863.83 in 1939. The checking account of the Association in the First National Bank in Evanston, Illinois, was $1,785.30 on December 16, 1940 (the day the books of the Association for 1940 were closed), as compared with $3,418.63 in 1939. The trust fund account showed a balance of $603.77, as compared with $325.32 in 1939. The investments of the Association in the custody of the First National Bank amount to $7,600, all in United States Treasury bonds. The comparative balance statement also showed office equipment valued at $293.39 and paper stock for printing the REVIEW valued at $584.91, while the estimated capitalization of old issues of the REVIEW on hand is $8,000. The Association maintains a separate account for the Committee on Social Studies which was set up by a grant of $2,300 received from the General Education Board. Out of this account, moneys are paid on the order of the chairman of the Committee on Social Studies. The balance in this account is $1,336.92.

The Auditing Committee, composed of Walter F. Dodd and Harold F. Gosnell, reported that it had examined the accounts of the Secretary-Treasurer and had verified the audit prepared by Frank E. Kohler and Company, certified public accountants, and announced that it had found the statement of accounts as prepared by the Secretary-Treasurer to be cor-

rect. The Committee commended the change in the classification of budget items and in the comparative balance statement adopted by the Secretary-Treasurer upon the recommendation of Harvey Walker. It advised that the Association refrain from incurring obligations beyond its assured income and urged the promotion of a permanent endowment fund for the financing of research and publication of research studies. It also recommended that the Secretary-Treasurer invest the surplus in the Trust Fund account in United States Treasury bonds. Furthermore, the Committee urged members of the Association to coöperate in placing memberships on a calendar-year basis.

The Executive Council adopted a budget for 1941 based upon an estimated revenue of $15,847 and providing for expenditures of $15,830. This budget includes an appropriation of $9,235 for the publication of the REVIEW and $6,595 for expenditures of the office of the Secretary-Treasurer. It was voted to apply the interest received from United States Treasury bonds of the par value of $4,800 owned by the Association during the year 1941 to the maintenance of the Personnel Service.

The following resolution in memory of Benjamin F. Shambaugh, a former president of the Association, prepared by Kenneth P. Vinsel, was adopted by a rising vote: "It is with great sorrow that the American Political Science Association records the death of an esteemed member and former president. One of the founders of the AMERICAN POLITICAL SCIENCE REVIEW and for many years serving on its editorial board, Professor Shambaugh will always rank high in the history of the Association. He was an active teacher of political science from 1895 until his death on April 7, 1940. Few teachers have had as much influence as he on students as well as on all who came in contact with him. He was not only a teacher of political science but a maker of political science teachers. It was a rare privilege to be one of his 'boys' and to receive the benefits of his enthusiasm, interest, friendliness, and culture. For many years Professor Shambaugh was superintendent of the State Historical Society of Iowa and editor of its publications. He was one of the founders of the Mississippi Valley Historical Association. In this Association he served for a time as editor of the *Proceedings* and later as editor of the *Mississippi Valley Historical Review*. The death of Professor Shambaugh is an inestimable loss to the University of Iowa, to the state of Iowa, and to the nation. At the university where he taught for forty-five years, he came in contact with thousands of students who knew him as a friend and counselor. He was a familiar figure on the campus and throughout the state and was always alive to the possibilities of advancing the culture of the community. The American Political Science Association desires to express its keen sense of personal loss through the death of Professor Shambaugh."

The following resolution, in memory of the Marquess of Lothian, pre-

pared by Robert C. Brooks, was adopted by a rising vote: "Resolved that the American Political Science Association expresses its personal sorrow because of the passing of its member, the Honourable Marquess of Lothian. The Association takes note of the great public loss in the removal during these troubled times of a statesman so preëminently qualified not only to interpret Great Britain to the United States but also to interpret the United States to Great Britain."

The report of Frederic A. Ogg, Managing Editor of the REVIEW, showed a total of 1,264 pages of text published in the year 1940, as compared with 1,153 in 1939 and 1,219 in 1938. The number of copies printed is now 3,200. Of the 1,264 pages published in 1940, 244 were devoted to leading articles. The departments were represented by the following numbers of pages: American government and politics, 149; constitutional law, 54; public administration, 21; municipal affairs, 6; rural local government, 22; foreign governments and politics, 49; international affairs, 76; instruction and research, 17; news and notes, 69; book reviews and notices, 325; and recent publications of political interest, 175. The list of doctoral dissertations published in the August issue covered 17 pages and the volume index in the December issue, 21 pages. The Editor reported that the Consolidated Index of the REVIEW would probably be ready within two years. This Index would cover all issues of the REVIEW, including the General Index published in 1927, which covered Volumes I–XX (1906–26). The publication of bibliographies of books, periodicals, and government publications in the REVIEW was discussed in both the Executive Council and the Business Meeting, and the opinion was expressed that this service was so valuable that the space devoted to it in the REVIEW should not be curtailed. The Managing Editor requested members of the Association to send him suggestions for improvements in the REVIEW. The following persons were elected as new members of the Board of Editors: W. Brooke Graves (Temple University), Roscoe C. Martin (University of Alabama), Clyde F. Snider (University of Illinois), and Benjamin F. Wright (Harvard University).

Frederic A. Ogg, one of the two delegates of the Association in the American Council of Learned Societies, reported upon the undertakings of the Council during the past year. Copies of the "Summary of Activities in 1940" issued by the American Council of Learned Societies can be obtained by any member of this Association on request directed to the Secretary-Treasurer. Charles E. Merriam, senior representative of the American Political Science Association in the Social Science Research Council, reported on the activities of this Council in the year 1940. Attention was called to the "Program of the Social Science Research Council's Committee on Public Administration," published in the REVIEW in December, 1940. The Association instructed its representatives to request

the Social Science Research Council to give wider circulation to its annual report.

On recommendation of William Anderson, chairman of the Committee on Endowment, the Association voted to revise the by-laws of the Association as adopted last year to read as follows: "(1) That the American Political Science Association authorizes the establishment of a Permanent Endowment Fund, to be invested and preserved intact as to principal, except as any donor may otherwise stipulate, the proceeds thereof to be used from year to year for the purposes of expanding and improving the work of the Association; (2) That the President of the Association be authorized to appoint an Endowment Committee to solicit gifts and bequests to the Permanent Endowment Fund; (3) That the Executive Council be authorized to appoint by a majority vote of all the members of the Council (taken by mail if necessary) a Trust Committee, and be authorized to fill vacancies therein by similar vote, such Committee to consist of the President, Secretary-Treasurer, and five other members of the Association, the latter for terms of five years, with overlapping terms, so that after the first year one member shall be appointed each year; (4) That the Trust Committee be authorized: (a) to receive gifts and bequests to the Permanent Endowment Fund, provided that where special conditions as to the use of funds are attached to any gift or bequest, the Executive Council must also give its approval to the acceptance; (b) to make arrangements with a legally incorporated bank or trust company for the investment, custody, and safekeeping of the endowment funds; and (c) to appropriate from the annual income of the Fund (or from the principal, if so provided by the donor) for any of the purposes for which endowments have been established; and (5) That the Trust Committee shall present annually to the Executive Council and to the Association a statement of all endowment funds received and in its possession, of all funds expended by the Committee during the preceding fiscal year, and of all proposed expenditures from such fund for the succeeding fiscal year. The accounts of the Committee shall be subject to audit in the same manner as other accounts and funds of the Association."

Harvey Walker, chairman of the Committee on Regional and Functional Societies, presented a report surveying the relations of the national association with regional and functional societies. It was ordered that this Committee continue its work for another year and seek possibilities for the integration of the work of the regional societies with the national association, after discussion of the problem with regional organizations, and that it report to the Executive Council at its next meeting.

The Committee on Public Law, under the chairmanship of Oliver P. Field, was instructed to continue its study of the place of public law in the present curriculum with respect to teaching and research, and to report to

the Executive Council. Reports of the committees on grants-in-aid of publication by the American Council of Learned Societies were given by Ernest S. Griffith and Harold F. Gosnell. In 1940, the publication of one manuscript was recommended.

Joseph P. Harris submitted the report of the Committee on Relations with Public Officials, containing nine recommendations as follows: (1) that the Association set up a special committee to study and to make recommendations concerning the content of political science training; (2) that political science departments should follow a deliberate policy of rendering public service to governments within their areas, and conducting research studies of significant local governmental problems; (3) that political science departments should promote and encourage research studies involving field work, particularly comparative studies covering a number of governmental units with regard to a particular activity or problem; (4) that in making new appointments, political science departments should give consideration not only to the scholarship and teaching qualifications of candidates under consideration, but also to their interest and aptitude for contacts with government officials; (5) that in making promotions political science departments should take into account the research and public service activities of members of their staffs; (6) that political science departments should seek in various ways to establish effective and cooperative relations with public officials; (7) that the most effective use of political scientists, as well as of other social scientists, requires a research organization constantly securing information about governmental problems and research needs, and matching these needs with university resources; (8) that political scientists should make it a point to secure civil service status whenever there is an appropriate register, since frequently their services are not sought because the funds available are limited to persons who can be appointed through civil service; (9) that political science departments could with profit establish closer relations with other departments in the university or college. This report will be published in a forthcoming issue of the REVIEW. It was ordered that the President appoint a committee of five to inquire extensively into, and to report upon, the content of political science training.

Reports by Harvey Walker, chairman of the Committee on the Personnel Service, and by Martin L. Faust, chairman of the Committee on Publication of a Membership List, evoked considerable discussion. The recommendations of the Committee on the Personnel Service were as follows: (1) that the Personnel Service be continued; (2) that a charge of $2.00 be made to associate members of the Association for listing in the Personnel Service, effective with the 1941 edition, and that no non-members be listed; (3) that a revised form of questionnaire be issued; (4) that the data on candidates published in the 1941 edition show, in addition to

what has been shown heretofore, the religious affiliation of each candidate who furnishes this information, the address of any free placement service where his complete credentials, including a photograph, may be secured, and his civil service status, if any; (5) that only those persons who are political scientists be included, and then only if they have not appeared in more than two previous lists; (6) that only those persons who either have received the Ph.D. or will receive it by August of the current year be included; (7) that data on those who have had teaching experience be bound separately from that relating to persons without such experience (or only a short period as a graduate assistant); (8) that the office of the Secretary-Treasurer commence as soon as practicable to collect data on all members of the profession looking toward the eventual publication of a membership list or "Who's Who" in political science; (9) that this Committee be continued in order to assist the Secretary-Treasurer in making its recommendations effective, to assist in the preparation of a revised mailing list for the Personnel Service, and to conduct such further study of the Service during 1941 as may seem appropriate.

The recommendations of this Committee were accepted with the modification that no charge be made for the first listing in the Personnel Service, that a charge of $2.00 be made for a second listing, that no registrant be listed more than two years in succession, and that, if the finances of the Association warrant, a Who's Who of the American Political Science Association be published in the following year.

Earl De Long, chairman of the Committee on Personnel Recruitment in Political Science, reported that this committee had undertaken to study the question of whether the experience of public personnel administration has anything to contribute to the recruitment of the staffs of the political science departments in colleges and universities.

The report of the Committee on Publication of the Proceedings of the Annual Meeting, under the chairmanship of W. Brooke Graves, enumerated the advantages to be expected from the publication of such a record. The Managing Editor indicated that this publication would release about eighty pages annually from the already overcrowded REVIEW. It was ordered that a ballot of the membership of the Association be taken regarding the desirability of publishing the proceedings of the annual meeting of 1941 at a price of $2.00 per copy, and that the Committee be continued as now constituted.

Frederick M. Davenport, chairman of the Committee on the Civil Service, offered a report which will be printed in an early issue of the REVIEW. Phillips Bradley, chairman, offered the report of the Committee on Social Studies, which was concerned with four major projects, as follows: (1) the integration and teaching of the social studies; (2) a project in coöperative development of effective teaching materials in the social

studies; (3) an inquiry into the status of the social studies; and (4) the use of the community as a classroom laboratory in education for citizenship. This committee received a grant-in-aid from the General Education Board amounting to $2,300, and half of this money has been spent in prosecuting the above-mentioned projects. The committee has coöperated with the National Council for the Social Studies. The Executive Council ordered that the committee be continued for another year.

A report from W. Brooke Graves, chairman of the Committee on Program for 1940, explained the technique of the committee in formulating the program for the current annual meeting, the rule limiting speakers to one appearance on the program, the provisions regarding round tables and sectional meetings, and the integration of the program of the Association with that of the American Society for Public Administration. The report of the Program Committee, for the first time, contained a mimeographed alphabetical list of participants in the program. Agreement was found in favor of a joint annual meeting and a joint annual program with the American Society for Public Administration. The action of the officers in accepting paid advertisements in the Joint Annual Program and in renting exhibit space at the annual meeting was approved, and the officers were authorized to continue this practice in the future. The Executive Council instructed the officers to accept for the annual meeting of 1940 the offer to rent exhibit space on the part of national organizations engaged in promoting the adoption of national policies, such as the Committee to Defend America by Aiding the Allies.

The report of the Committee on Electoral Procedure in the American Political Science Association, under the chairmanship of Francis W. Coker, led to the following action by the Executive Council: (1) The Committee on Nomination of Officers for 1942 was authorized to follow the procedure of the committee for 1941 in canvassing the members of the Association for suggestions for nominations. (2) The committee for 1942 was authorized to publish its list of nominations in the October issue of the REVIEW. (3) The following amendment to the first paragraph of Article IV of the Constitution was submitted to the Annual Business Meeting, namely: "That the Secretary and Treasurer be elected by the Executive Council." (4) Another amendment to the second paragraph of Article IV was submitted which read: "Nominations may be offered from the floor at the Annual Business Meeting." (5) The President was instructed to appoint a Committee on Revision of the Constitution, while the Committee on Electoral Procedure was ordered to be continued. The Business Meeting adopted the two amendments proposed by the Executive Council. In favor of the first amendment, it was held that this change would bring the procedure of this Association into line with that of other learned societies which consider the Secretary and Treasurer as the executive officer of the

Council. The second amendment was urged as an application of the principle of democratic control.

On motion of Robert R. Wilson, the Association passed the following resolution: "Resolved that the American Political Science Association express (1) continuing interest in the enlarged publications program of the United States Department of State, (2) appreciation of the careful preparation of volumes appearing in *Foreign Relations* and endorsement of any effort which may be made toward bringing this set more nearly up to date, (3) the hope that the volumes of the Hackworth *Digest of International Law*, the complete record of the Paris Peace Conference, and the revised *List of Treaties in Force* may soon be made available, (4) approval of making the useful *Bulletin of the Department of State* an even more inclusive record of significant materials relating to American foreign policy; and Resolved that copies of this resolution be sent to the Secretary of State, the Director of the Bureau of the Budget, and the Chairman of the Committee on Appropriations in each House of Congress."

The Association adopted the following resolution: "Whereas, the study of democratic processes in the United States has been handicapped by the absence of an authoritative, adequately inclusive, and regularly published compilation of election statistics; and Whereas, such a compilation would be of genuine and wide public utility, not only conducing to academic analysis but also serving the needs of journalism and of political leadership; and Whereas, the task of issuing such a compilation can be performed only by the national government, presumably through the United States Bureau of the Census; and Whereas, the preparation and annual publication of such a compilation lies directly within the logic of the growth of the work of the Bureau of the Census; Therefore, Be It Resolved, that the American Political Science Association urges that the Bureau of the Census be authorized and equipped to undertake the annual publication of a suitable compilation of election statistics; and that the President of the Association be empowered and directed to appoint a committee which will advance this recommendation by all proper means and which, alone or in conjunction with the representatives of other associations, will consult with any official body that in the future may be charged with the preparation of such a compilation regarding its scope and arrangement."

The question as to the place of holding the annual meeting in 1941 provoked a lively discussion, the favored cities being Louisville, New York, and Washington, D. C. It was finally resolved to leave the decision to the officers of the Association after consultation with the officers of the American Society for Public Administration, providing, however, that this decision be ratified by mail ballot of the Executive Council.

Resolutions favoring the democratic system of government were approved by the Business Meeting and referred to the Executive Council.

The following officers were elected for the year 1941: president, Frederic A. Ogg (University of Wisconsin); first vice-president, T. V. Smith (University of Chicago); second vice-president, Arthur W. Macmahon (Columbia University); third vice-president, Frank M. Stewart (University of California at Los Angeles); and secretary-treasurer, Kenneth Colegrove (Northwestern University), together with five new members of the Executive Council as follows: Phillips Bradley (Queens College), Harold F. Gosnell (University of Chicago), E. Pendleton Herring (Harvard University), Charles M. Kneier (University of Illinois), and Donald C. Stone (Bureau of the Budget of the United States).

The reports offered by the chairmen of various committees contain considerable information of interest to political scientists. Mimeographed copies were distributed at the Business Meeting, but a number of copies remain in the office of the Secretary-Treasurer. As long as these are available, they will be mailed to members of the Association upon request.—KENNETH COLEGROVE, *Secretary-Treasurer.*

The President: Office and Powers: History and Analysis of Practice and Opinion. By Edward S. Corwin (New York: New York University Press. 1940. Pp. xii, 476. $5.00.)

Presidential Leadership: The Political Relations of Congress and the Chief Executive. By Pendleton Herring. (New York: Farrar and Rinehart, Inc. 1940. Pp. xiv, 173. $1.00.)

It is not without significance that the year 1940 has witnessed the publication by three keen observers of volumes on the American presidency. That by Laski has already been reviewed in these pages. The two volumes here considered are in a sense incommensurable. Herring's is a study in politics, Corwin's a study in public law. Herring presents what, in this reviewer's mental history, may best be described as a brilliant reconsideration, after thirty-two years of further experience, of the theme of Chapter III of Woodrow Wilson's *Constitutional Government in the United States.* Corwin, on the other hand, presents the most comprehensive treatment yet given of the constitutional law of the presidency.

If this judgment is in any wise correct, the implication is clear that both books must be read by the student of American government, and Corwin's also by the student of American constitutional law or constitutional history. Accordingly, the reviewer refrains from offering predigestion of such wholesome food. He agrees with Herring in accepting presidential leadership as a fact and rejecting it as a panacea. Yet in dealing with a subject that involves subtle political relationships, what matters, within a broad framework of common agreement, is one's emphasis; and the reviewer is not sure he agrees with Herring's emphasis. "In the world as we find it," Herring observes," there is much to be said for a separation of powers which offers alternatives to a society uncertain of its direction but preferring to make its own mistakes rather than relinquish this privilege to any single gang of rulers." As a general statement, this strikes a responsive chord in every democrat. Herring also says: "Certain conditions clearly call for great power and initiative on the part of the president. Were his formal powers permanently increased to meet more easily the demands in times of crisis, would the nation rest content with such a concentration of authority in times of quietude? The answer may be made that the federal government has been committed to burdens of administration that call for positive leadership. There can be no doubt that the presidential office offers the only point for unified leadership. On the other hand, the whole concept of leadership in such terms is still tentative. . . . Leadership is the obverse side of 'followship' and fellowship." Again: "The presidents who come into office determined to put through a definite party program sooner or later discover their limitations. Those who act rather as symbols of national unity and as moderators of group interests main-

tain their power longer." This suggests to the reviewer a dualism of presidential function. Shall the president be more symbol and moderator or more spokesman for the masses against special interests that are adequately represented in Congress? This precise issue faced Franklin D. Roosevelt in 1936. The many voices that have condemned his choice do not come from the underprivileged.

Corwin's book has 316 pages of text and 113 pages of notes at the end. Needless to say, it is enriched with the historical learning of its author. Corwin is characteristically more interested in institutional results than in the "rule of the case," and emphasizes throughout that our constitutional law "often bristles with alternatives" and hence raises questions of high policy. His acute analyses of specific problems of constitutional power are so numerous that they must be left for the reader to explore for himself. While pointing out that the Constitution presents invitations to conflict, he leaves his reader with the somewhat uneasy impression of the vagueness of the limits of the president's *legal* power, and of the opportunity the president has of himself determining, in no small degree, what those limits shall be, especially in time of emergency. Fortunately, there is reassurance in Herring's exposition of the potential *political* checks upon the chief executive.

The two works present a striking similarity in some of their conclusions. Herring tells us that "the intensely personal nature of the office must never be overlooked." Corwin concludes that "presidential power is dangerously *personalized*" in the dual sense that presidential leadership depends upon "the accident of personality" and that "there is no governmental body that can be relied upon to give the President independent advice and whom he is nevertheless bound to consult." So he proposes "a new type of cabinet," constructed "from such leading members of Congress as he may choose," or with its "central core" composed of these congressional leaders and "those heads of departments whose activities are of general and constant political significance." Herring, likewise, ends a chapter on "Proposals for Change" with the observation that "the very existence of these proposals and experiments is at the least indicative of widespread opinion that further implementation is desirable if our system is to function," and the hint that "the president's custom of consulting with legislators might in time create an informal ministry composed of party leaders in Congress and in the administration."

JAMES HART.

University of Virginia.

The President-Makers. BY MATTHEW JOSEPHSON. (New York: Harcourt, Brace and Company. 1940. Pp. viii, 584. $3.75.)

The dynamic author of *The Robber Barons* and *The Politicos* projects his studies in American political and economic leadership from 1896 to

1920. The period is one of tremendous importance in American life. It witnessed the popular challenge to plutocratic dictation of public policy. At the beginning and the end of the quarter-century, the banking interests were firmly in the saddle, even though twice during the intervening years they had suffered substantial electoral rebuffs.

Mr. Josephson's technique is to present graphic essays upon the outstanding leaders of the period, upon their political ideas, their backers, and their strategy of making themselves available for the presidential office. More attention is given to the "elder and lesser Roosevelt," as a leading publicist characterized the dynamic "T. R.;" but that is only natural, for he, in a very real sense, dominates the entire period. Moreover, his public utterances and writings challenge the serious analyst of political theory. "Teddy" was scarcely a "straddler," but he jumped from one side of the fence to the other with an alacrity that amazed those who thought they had him safely tied to a particular political program.

The author presents an interesting evaluation of the Oyster Bay politician. The elder Lodge and the two Adamses, Brooks and Henry, are given great credit in that most amazing tutelage of the "mauve decade." Though known to our historians as a great liberal, Roosevelt was essentially an aristocrat and a conservative. If you scratched him, you discovered a Hamiltonian reliance upon property as against human rights. In 1904, he discovered that the people reacted favorably to reform, and he was always the sounding board of the popular clamor. He loved crowds. But even in 1912, when he ostensibly challenged the leadership of the Wall Street crowd, "T. R." listened obediently to the advice of George Perkins, of the Morgan financial empire, and Frank Munsey, the millionaire publisher.

McKinley is pictured as a "nice" man who jumped through the hoop at the command of Wall Street's most prominent politico, Marcus A. Hanna. And the rising young Beveridge receives recognition for the brilliancy of his brief flash across the skies of political greatness, though he, like "T. R.," was wont to substitute slogans and epigrams on the higher ethics for more fundamental thinking upon the really vital question of who was to govern America. The author understands LaFollette and what he courageously sought to do, and he also appreciates the services of Louis D. Brandeis; but neither of these is given the space which he so richly deserves in the great saga of an American political system that never materialized.

The second most important spot goes to Woodrow Wilson, emerging as a Wall Street hopeful, changing to the rôle of the "people's hired man" as governor of New Jersey, turning his back upon those who tutored him earlier and embracing essentially the program of Bryanism to win the presidential nomination, uniting the country's liberal forces for incom-

parable successes in one brief biennium, and ending as a lonely philosopher-king, who refused to emerge from his ivory tower to meet his countrymen upon the common level of forthright discussion.

The President-Makers is a truly graphic study of a spectacular period in American politics.

CORTEZ A. M. EWING.

University of Oklahoma.

The Middle Classes in American Politics. BY ARTHUR N. HOLCOMBE. (Cambridge: Harvard University Press. 1940. Pp. vi, 304. $2.50.)

One has grown accustomed to receive stimulation from Professor Holcombe. He brings to bear upon our political problems something in addition to the thoroughness and detachment of a scholar. He has a way of discovering factors which have escaped men of less realistic perspective and less penetrating vision. Yet his originality does not rest upon any desire to reinterpret facts in the light of any erratic philosophy or to produce novel and startling effects. This book not only gives evidence of mature thought, but also it reassures those who doubt the solidity of American institutions. It falls into two parts. The first consists of a sixty-page essay, "In Defense of the American Way," which, though mainly concerned with a special theme, serves also as an introduction to what follows. The second part—most of which has already appeared in print elsewhere—includes four chapters; they deal with the economic basis of national politics, the influence of the middle classes in national politics, the future of democracy in America, and the political interpretation of history. This is not a collection of disconnected essays. One argument, in its various phases, is always being developed: that the soundness of our political system depends upon the preponderance of the middle class.

Particularly interesting in the historical survey is the long chapter on the influence of the middle classes, a revised version of the Bacon Lectures of 1940. Professor Holcombe refuses to accept the belief of communists and fascists that people fall into two clearly defined classes, the bifurcation being economic in the one case and psychological in the other; and, by a review of American class divisions during the last century and a half, he amply justifies his scepticism. First of all, he analyzes the personnel and proceedings of the Philadelphia Convention. As the recorded votes show, middle-class opinions gradually won a position of dominance. The ratifying conventions show a similar development. In this period, Professor Holcombe encounters three, not just two, classes and finds a sense of social solidarity transcending conflicts between them. Indeed, he concludes that class divisions of any kind are less significant than communists and fascists assume. Later on, the agrarian strategy of Jefferson and Jackson, along with the rapid settlement of the West, gave the middle

class a position of definite ascendancy. "The reason is clear. The typical Westerner throughout the period of predominant Western influence in national politics was a farmer, and the typical Western farmer was a middle-class farmer." The nineteenth century, politically speaking, was the century of control by the rural middle class.

This situation was complicated, however, by the growth of industrialism and, consequently, of city life. An urban middle class first rendered agrarian control precarious, and now threatens to supplant it. How to define this class is not easy to determine. If income is to be the test, what shall be the lines of demarcation at the top and bottom? Here Professor Holcombe is baffled; for the decision, being arbitrary, might include eighty per cent of the population or only twenty. He takes refuge in what the individuals themselves think about their status. Investigation by a magazine, he finds, showed that nearly eighty per cent of the population now regard themselves as belonging to the middle class. Even so, the question is not what men think today, but what they may think fifty years from now under changed economic circumstances. Perhaps, in spite of what Professor Holcombe seems to imply, the Marxian position of Lewis Corey has not been invalidated. Corey believes that the middle class, deprived of opportunity for profitable investment, will join hands with the proletariat and seek security in collectivism.

The influence of the urban middle class has been consolidated by the strategic position of the populous doubtful states in presidential elections —of states like New York, Ohio, and Illinois. Party platforms must be responsive to the interests of that class. Its influence increases as that of the rural middle class declines. But if it is urban, it is, nevertheless, middle-class. Professor Holcombe believes that the predominance of the middle class (urban and rural), which has furnished so solid a foundation for our political system, will continue indefinitely.

EDWARD MCCHESNEY SAIT.

Pomona College.

Urban Government. Supplementary Report of the Urbanism Committee to the National Resources Committee. (Washington: Government Printing Office. 1939. Vol. I, pp. v, 303. $0.50.)

This splendid monograph is devoted to five major topics: development of urban government; federal relations with urban governments; federal reporting of urban information; associations of cities and of municipal officials; and public safety. Albert Lepawsky contributed the review of the development of the American city. Of necessity, he resurveys older materials pertaining to growth, functions, finances, areas, and authorities, administrative techniques, and personnel problems of our urban life. In certain phases, as, for example, in regard to state administrative super-

vision, legislative control, home rule, urban legislative bodies and executives, there is little here which is new. On the other hand, he presents new statistical and financial material in the form of charts and tables. The analysis, although not unusual in interpretation, is sound and thorough.

Wylie Kilpatrick and staff were responsible for the investigation of federal relations with urban governments. Increase of nationally performed services from 1850 to 1937 has been marked, and the various types of federal-city relationships that have consequently evolved are described with emphasis on those of a direct type in effect since 1933. Impact of federal policies and appropriations upon local finance is apparent in the summaries of federal, state, and local expenditures in functional fields. Detailed reference contingent to administrative problems is followed by recommendation for their solution. This appraisal of federal-city relations is the longest section in the volume; it is comprehensive and thoughtful.

The brief section on federal reporting of urban information was prepared by the Urbanism Committee itself, which noted trends in general and special urban statistics. Although urban reporting by both the regularly established and the emergency federal agencies is reviewed, the importance of this section lies in its recommendations for a more adequate and coördinated system of reporting of urban information.

Perhaps the most original segment of this volume, that dealing with associations of cities and of municipal officials, was contributed by Harold D. Smith, former executive director of the Michigan Municipal League. Herein appears an inclusive review of the growth, organization, and present-day activities of state municipal leagues. How prominent a part these leagues have come to play in inter-municipal and state-local relations now begins to appear. In their legislative programs, consultant activities, coöperative research, in-service training, purchasing, personnel, and other enterprises, the strong leagues have forged ahead. The rôles played by the American Municipal Association and the United States Conference of Mayors are particularly mentioned. Here again the federal-municipal factor looms large. Detailed statistics supplement general statements of fact concerning national, regional, and state associations of municipal officials, their composition, services, and sources of support.

Louis Wirth and Marshall Clinard were the authors of the final chapter of the monograph—that devoted to the subject of public safety. This topic is first considered in the light of rural-urban differences in crime and the distribution of urban crime. The authors' views on these subjects are supported by a series of tables computed from accredited statistical sources of urban and rural crime rates. Instrumentalities of crime control in urban and rural areas are outlined, together with interstate and federal policies in this connection. Although treatment of fire control is cur-

sory, police forces are discussed as to personnel, equipment, techniques, and cost. For the over-all view of old and new materials in the never static science of municipal government and administration, the composite authorship here at work has produced a document of five-fold interest.

ARTHUR W. BROMAGE.

University of Michigan.

Industrial Disputes and Federal Legislation. By THOMAS RUSSELL FISHER. (New York: Columbia University Press. 1940. Pp. 370. $4.75.)

Although the author states that he deals primarily with federal legislation affecting disputes in the railroad, coal, steel, and automobile industries for the period 1900–1939, only three of the eleven chapters, covering 95 of the 356 pages of text, are given to exclusive discussion of these industries. Actually, the study surveys labor legislation from the Interstate Commerce Act of 1887 down to the Social Security Act of 1939. Furthermore, while the study does not attempt to formulate a social program, there runs through the text a definite philosophy which would seem to point not only to "a more equitable policy," one which would extend to industry the same protection that it grants to labor, but "at the same time to a more secure one for both the employer and employee," which "would be a nation-wide regulation of wages and working standards administered by an independent board" (p. 335).

The book is a sympathetic sketch of labor problems, labor disputes, and labor legislation. Obviously, a discussion of less than 400 pages that deals with such comprehensive subjects as "The Problem of Industrial Disputes in Modern Industrial Society," "Gains for Labor in American Industry Since 1900," "Legislative and Administrative Orders Affecting Labor Relations," "Legal Methods and Techniques Affecting Labor Disputes," "Methods of Preventing and Settling Labor Disputes," "The Rôle Played by the Government in Industrial Disputes," and "Contemporary and Future Need for Social Legislation" (in addition to the chapters dealing with the railroad, coal, and steel industries), leaves much unsaid in spite of an introductory statement to the effect that the study "is more or less exhaustive" from "the legislative and judicial point of view." The analysis of statutes and cases must necessarily be very brief. The discussion of the rôle played by the courts in the settlement of labor disputes and in the development of labor law is perhaps the least satisfactory. The pervasiveness of the judicial influence is not made clear—for instance, the effect of the doctrine that liberty of contract is a property right protected by the Constitution.

While the author generally approves our national labor legislation, particularly in respect to the railroads, he suggests three major deficiencies: (1) failure to make provision for health insurance, (2) need for a more

effective child labor law than is provided by the Fair Labor Standards Act of 1938, and (3) "our whole social security program is based upon the success of business" (p. 342), that is, a falling of the business barometer can disturb that program. Considerable attention is given to the National Labor Relations Act. The Act got off to a bad start. In the two years between its enactment in 1935 and the cases holding it constitutional in 1937, "lawyers for organized industry and independents advised industrialists to 'pay no attention to it. It is unconstitutional and will never be enforced'" (p. 338). Nevertheless, the National Labor Relations Board has had considerable success in settling cases by agreement of both parties to the dispute—55.5 per cent up to January, 1938; and the Act is by way of modifying the long-standing anti-union policies of American industry.

The book is a readable, reasonably documented, and informative outline of the field; it is a usable contribution to the subject. The author is to be commended for his industry and for his objectivity in dealing with problems which rather encourage a pronounced taking of sides.

RINEHART J. SWENSON.

New York University.

The Pattern of Politics; The Folkways of a Democratic People. BY JOHN T. SALTER. (New York: The Macmillan Company. 1940. Pp xiv, 246. $2.25.)

The author of this book has done notable work in the study of American politics. He has explored every nook and cranny of the vast storehouse of politics, talked to hundreds of practicing politicians, discussed politics with men and women in every station of life, and thought seriously about what he has seen and heard. An ardent patriot, Salter loves every aspect of America. With deep fervor, he extols the virtues of his native land, and he describes the corrupt, congenial, and obtuse politicians with an unmistakable relish. In the chapter on "Ethics," he disapproves many practices which are common, and yet contrives to accord the perpetrators of misdeeds a grudging admiration. He regards "talk" as "one of the basic things" in our democracy; but, notwithstanding some keen reflections on the misuses of public discussion, he does not clearly indicate what is wrong with our talk. He does not differentiate between the politicians who succeed because of their verbosity and those who succeed because of their taciturnity.

The chapter which treats of the representative function is entitled "Of the People," and consistently therewith argues that our politicians, lawmakers, and elected officers reflect accurately the merits and defects of the masses of the people. Others have said the same thing. It is a good hypothesis, but I should like to see more proof; and if the proof should be found to be adequate, I feel that we should be told where, when, and under what conditions the system breaks down.

Salter summarizes his observations, experiences, and reading in a literary way. Consequently, his analyses do not go beyond those of T. V. Smith, Walter Lippmann, and the editors of the *New Republic*. Of much greater value are the scientific studies of voting, opinion techniques, and techniques of group cohesion made by Merriam, Gosnell, Pollock, Martin, Beyle, Lasswell, Odegard, and others.

It would be unfair and unwise to apply scientific methods of criticism to a work that follows in the tradition of Machiavelli and Lincoln Steffens. However, a reviewer is entitled to record his dissent from the assertions: that we have no classes in America (pp. 3 and 117); that the "typical American attitude was to help those Finns"; that political leadership rests on action (p. 192); and that "when you have a man in this country, you have an individual and a free vote" (p. 8). On the other hand, one must agree that Salter's comments on many of the characteristics of the American people and their rulers appear to be supported by ample evidence.

It must be admitted that Professor Salter has a superb style. No journalist has ever penned a study of politics as smooth and effortless as this one. He skilfully employs simple words in sentences of varying length and in balanced paragraphs. His citations from the classics, the Bible, Machiavelli, Steffens, and other great names produce an agreeable effect; and his conversational tidbits and vignettes drawn from life in Oklahoma, Wisconsin, Philadelphia, and New York lend a flavor of verisimilitude to his work.

If this book receives the notice to which its literary merit entitles it, it will probably stimulate further inquiries into the real pattern of politics.

ROY V. PEEL.

Indiana University.

Municipal Indebtedness; A Study of the Debt-to-Property Ratio. By LEROY A. SHATTUCK, JR. (Baltimore: The Johns Hopkins Press. 1940. Pp. 145. $1.25.)

The most common method of limiting municipal indebtedness is to fix the legal maximum debt at a certain percentage of the assessed or taxable value of property. After examining the development of this debt limitation device, and giving more specific attention to its application in the state of New Jersey, the author concludes that the debt-to-property ratio is not entirely successful. Its failure has been due primarily to fluctuating valuations, the exclusion of "overlying" debt, and many exemptions from the primary limit. Failure to limit special assessment debt was especially disastrous. The solution proposed is "some sort of administrative control" by the state, combined with some "mechanical regulator" which might be a modified form of the debt-to-property ratio.

Several observations deserve special commendation. The author recognizes that changing sources of local revenues may require a new type of debt limit. He properly emphasizes the importance of overlying debt. Exclusion of certain types of indebtedness from the primary limit is cited as an important cause for the failure of the debt-to-property limit in New Jersey.

The monograph departs at length from its stated subject. However, the digressions are valuable. The chapter on early restrictions has interesting historical material. One chapter is devoted exclusively to a discussion of the need for long-term borrowing and the desirability of a pay-as-you-go policy for larger municipalities. The chapter dealing with the nature of municipal indebtedness develops the thesis that a constant debt, incurred and paid in differing ways, may require greatly varying amounts for annual debt service charges.

One criticism seems in order. The author might properly have discussed whether or not the debt-to-property ratio is an economically sound method of limiting municipal indebtedness. He described why it failed, but he did not deal with the fundamental value of the device.

The book seems fresh and is well written. Several new ideas are contributed. The author understood his problem. Footnotes reveal extensive legal research. Certainly the monograph is a valuable contribution in a field where too little literature exists.

CARL H. CHATTERS.

Municipal Finance Officers Association.

Research Methods in Public Administration. By JOHN M. PFIFFNER. (New York: The Ronald Press Company. Pp. 447. $4.50.)

This book is intended for first-year graduate students. It was prepared in response to a demand from sympathetic employers of graduates of the public service training program of the University of Southern California that the boys be sent to them better equipped to take their place in a research or procedures or management survey unit in a governmental agency or in a governmental research bureau. The boys knew the theory and principles of administration, but they did not know their way around in the details of research planning, dealing with department heads or political leaders, interviewing, the handling of data, the use of questionnaires, making organization or flow charts, writing reports. This book is supposed to be used in a course that deals with the mechanics of work in an agency dedicated to group research in administrative methods. I have it on high authority that the book serves its purpose in actual use at U.S.C. The book is based upon two extended field trips by the author, in the course of which he interviewed several hundred experienced researchers to whom he had submitted in advance an elaborate questionnaire; so

that the advice which he gives is not the expression of his personal idiosyncracies.

On the other hand, a book built up in this manner runs the same risks as the manuals on successful salesmanship. Take the matter of interviewing: some people get orders by crashing doors and overwhelming the prospect, others by subtle approaches. All you can tell a young man in a college class is to size up the prospect and use his judgment whether to give him the works. Those with aggressive temperaments will use the one method, the others another. In the book under review, Mr. Pfiffner devotes a chapter—short, as all of them have to be if one is to cover so wide a range of topics in 450 pages—to report-writing. He states in his preface that the material is not a substitute for such courses as accounting, statistics, and English composition. Two pages of this chapter are devoted to the topic, "Dictate or Write?" How the average college student can assess which of these methods suits him better, I do not know, since few college students will have had an opportunity to practice dictation enough to find out whether they can use it. In any event, the only possible way to find out is to write or dictate. Each of us has undoubtedly evolved for himself methods of note-taking which serve him best; one of my friends composes first drafts on sheets, especially prepared for him, about two feet square—so that he can carry substantial parts of his argument before his eye. Another successful writer friend takes notes on four-by-six cards with such care that final composition involves little more than weaving the cards together with transition sentences. Are these not matters of personal habit; and can habit be developed other than by doing?

In short, I find myself arguing, not with the competence of Mr. Pfiffner's book, but with its purpose. Frankly, I think the employers who have urged Mr. Pfiffner to teach this course on research methods are shirking their responsibility. The same problem arises in many types of professional education: shall the law student use his precious years in a scholarly environment learning how to file papers in the county clerk's office? The public administrators have worked out what seems to me a better system of teaching pratique: apprenticeship, practice in doing. Of course, the bureau heads must give some attention to the apprentices; and it would undoubtedly suit some of them better to avoid this task. On the other hand, some will doubtless prefer to have novices learn the practices in force in their office, instead of those outlined in a text-book. For the rest, if a student reaches a graduate course without the ability to organize a report in concise, clear English, there is something wrong with the English department, or else he should be set to writing reports.

CHARLES S. ASCHER.

Social Science Research Council.

Governments of Continental Europe. By J. T. Shotwell, R. K. Gooch, Karl Loewenstein, Arnold J. Zurcher and Michael T. Florinsky. (New York: The Macmillan Company. 1940. Pp. xxix, 1092.)

This extremely useful book will be welcomed by a large audience. Every person of intelligence is deeply concerned with the facts and the meaning of government in Europe today. Here the facts are stated as clearly and concisely, and interpreted as impartially, as can possibly be expected. This does not mean that the authors carry impartiality to the point of imbecility, like the donkey between the two bundles of hay. If one government were as good as another, there would be no science of politics, and history would be a mere exercise in story-telling rather than a light upon the path. The authors not only describe and explain; they evaluate—and their touchstone of values is a free democratic society. "Democracy," says Professor Shotwell in his thoughtful introductory chapter " . . . is an embodiment of intelligence itself; for, even when its standards are relatively low, its method of trial and error is directed by those who are free to consider all the consequences of the decisions which they make."

Each study of contemporary government is preceded by an outline of the historical development which led to the present system. Although such an outline is indispensable, some of the authors are inclined to give it disproportionate space. Thus, in the treatment of France, 57 out of 231 pages, and in the treatment of Germany 124 out of 288 pages, are devoted to historical background. The bibliographies which follow the respective studies are well selected aids to further reading and to the building of reference libraries in the field of comparative government.

France is discussed by Gooch, Germany by Loewenstein, Italy by Zurcher, and Soviet Russia by Florinsky. There are brief treatments, also, of Belgium, Holland, Switzerland, and the Scandinavian countries. Unfortunately, it was not possible to include a treatment of France under Nazi rule; but Professor Gooch has done a remarkably thorough piece of work, within the limitations of space, upon the Third Republic.

The discussion of Fascist government in Italy is concluded by a "balance sheet," which shows gains "in a considerable degree of material progress, in an expanded national territory, and in greater national influence in world affairs," as well as losses in "tremendous outlays of capital and a mortgage upon the future. . . . The extraordinary emphasis upon militarism and national preparedness may make a military machine out of Italy, but hardly a nation whose principal aim is the prosperity and welfare of the citizens."

In the treatment of Russia, the structure and machinery of the Soviet government are dismissed in a single chapter of twenty-five pages, in

order to make room for chapters on "Economic Planning" and "The State in Business." All this material is valuable, well selected, and well organized. A definite attempt to be fair to a system of which the author cannot approve is found in such remarks as the following: "The Soviet leaders have a certain formal justification for describing the U.S.S.R. as a democracy since the Constitution has introduced universal suffrage and the direct secret ballot. . . . [These], however, are merely the tools of democracy. . . . The essence of political democracy is the right to hold and express freely views that do not agree with those of the group in power."

The discussion of Hitler's Germany by Professor Loewenstein is able and interesting. Although the author cannot conceal his hatred for the present régime of terror and lawless force, he is aware of his feeling and guards against it where it might impair objective treatment of the facts. Thus: "When trying to describe and appraise a modern dictatorship, one has to be on guard against personal bias as well as against the ambiguity and obscurity of the textual material on which the conclusions are based. Political institutions may bear such familiar appelations as 'parliament,' 'plebiscite,' 'statute,' 'law,' 'judge'; but when applied by a dictatorship they are apt to impart connotations widely different from those customary in a democracy. . . . The evaluation of dictatorial politics . . . remains at best tentative and of approximate correctness only." The institutions of the Third Reich are described accurately, in a vigorous and interesting style. The importance of theory and doctrine is emphasized, especially since many of the institutions would be meaningless unless recognized as embodiments of "the racial myth" or some other accepted doctrine of National Socialism.

Throughout the studies of Italy, Russia, and Germany, less attention is paid to the machinery of government than to the economic and social objectives to attain which that machinery was set up. This is unavoidable; yet the wish persists that a little more discussion of institutions had been presented. On the other hand, there are nearly eleven hundred pages in this book, and every page is both interesting and valuable.

The volume will be welcomed as a textbook for advanced classes. It is hardly appropriate for beginners, because it assumes the reader's familiarity with typical organs of government, and the significance of changes in one organ or of the abolition of another. Those who possess such a background will read it with profit, and will return to it again and again for reference. Outside university walls, all who seriously wish to understand the type of state which is menacing Western civilization today—government of the masters, for the masters, by the masters—are advised to read this book.

MIRIAM E. OATMAN.

The American University.

America's Last Chance. By Albert Carr. (New York: Thomas Y. Crowell Company. 1940. Pp. 328. $2.75.)

Where Do We Go From Here? By Harold J. Laski. (New York: The Viking Press. 1940. Pp. 192. $1.75.)

Mr. Carr's volume is based on the assumption that the present war is a total world war and that the United States must take an active and dominant part in it. The arguments designed to support that assumption are all so familiar to everyone acquainted with contemporary literature on the subject that they need not be even summarized here. Having made this assumption and declared his policy for the United States, Mr. Carr lays out the following program: create a central planning agency with full power of coercion; suppress all organizations "dangerous to representative democracy"; organize counter-propaganda; give the federal government more power in formulating national educational policies; stop thinking in terms of national defense and think in terms of attack on world Nazism; declare open war on Nazism; plan the defense of the entire hemisphere; develop in collaboration with Britain a system of world naval and air bases; extend the term of conscription to two years; strengthen Latin American armies; expand land, sea, and air power; make plans for expanding foreign trade by remonetizing gold; adopt a generous policy of making foreign loans; use our food and gold surplus to foment revolutionary opposition to Nazism throughout the world; give "fair play" to business, labor, and the farmer. America betrayed the world by not joining the League of Nations, and now America has another and "last chance" to save itself and the rest of the world by adopting Mr. Carr's expedients. It is possible, of course, that the United States will have similar chances in the future (if the past is any guide) and that this is not the last chance. It is possible also that the government of the United States, which seems about to embark on Mr. Carr's total war, will be surprised by the results of taking "the last chance."

Mr. Laski's volume has a decided bearing on this "chance." It is a clear-cut, factual analysis of fascism as a political and economic system and a sober study of the policy of appeasement under which the Tory party in Great Britain, through the government, sought to use Hitler against Soviet Russia by feeding his appetites and supporting the Franco rebels in Spain against the Republic. So much for the immediate past. Now, Mr. Laski asks: Where do the British stand today? And what are they to do next? These questions he answers. They are in a jam and cannot fight the war with old capitalist methods and Tory rhetoric. They can win the war only by provoking a revolution in Europe and making something like a revolution at home. This revolution means the socialization of "those vested interests which . . . stand in the way of our surrender

of the principle of state-sovereignty." It means a new Europe also based on such socialization. It means an international organization based on the socialization of economics and the pooling of material resources.

That vision of the future is quite different from Mr. Carr's vision, and millions of British people share it with Mr. Laski. Perhaps they, along with the government of the United States, will also be surprised at the consequence of the great fire now burning. For, to paraphrase an old saying, men may easily set the world on fire, but they are never able to calculate the long consequences of their action. As far as I can discover by much searching, there is nothing in political science which permits them to perform that feat; but this may be deemed irrelevant, if not irreverent.

CHARLES A. BEARD.

New Milford, Conn.

Survey of British Commonwealth Affairs. Volume II: *Problems of Economic Policy, 1918–1939,* Part I. BY W. K. Hancock. (London: Royal Institute of International Affairs. New York: Oxford University Press. 1940. Pp. xi, 324. $4.50.)

The author of this *Survey* has done far more than write a history of two decades of intra-imperial relations. He not only has arranged and sifted a truly formidable volume of factual material with scholarly meticulousness, but he also has placed his account in generous historical perspective and interpreted both with rare urbanity and detachment. Taken as a whole, the work constitutes a summing up of the achievements and faults of the British Empire, viewed through a mind deeply imbued with the great liberal tradition.

The first volume dealt largely with political and constitutional developments. The present one is concerned with "economic policies against the background of immediate economic fact" (p. 288). Fully half of the book is an interpretation of the period down to 1918; the remainder discusses in detail the subsequent economic relations between the autonomous communities of the Empire. The economic analysis of British policy with respect to the colonies has yet to be written.

Two ideas dominate this volume. The first is the idea of a moving frontier. The frontier theory, which has proved so illuminative of American economic development, is here applied to the economic development of the British Empire. The second idea is comprehended in the term "The Great Commercial Republic," which is the name given by Adam Smith to the system envisaged by his economic doctrine. "It showed," writes Professor Hancock, "a way by which empires in the future, unlike all empires of the past, could dissolve without disintegrating—by bringing themselves into a wider world order" (p. 50). Taken together, these two

ideas imply that when imperial economic expansion is no longer possible within the bounds of empire, the empire decays unless economic policy can free itself from political considerations. That this is the author's view is indicated by his conclusion that the first British Empire foundered because American economic expansion was hindered by mercantilist restrictions. There is, of course, nothing particularly new in all this. What is novel is its systematic and detailed application to the study of the British Empire.

Moreover, it is applied with precision, clarity, and a masterly sureness of touch. Post-war economic trends between the Dominions and Great Britain are analyzed. Through an exposition of population tendencies and land settlement schemes, the frontier of settlement is shown to have virtually disappeared. An analysis of capital movements and monetary policy reveals a restriction of the investors' frontier. The contraction of the frontier of trade is traced through changes in the volume and direction of foreign trade. The drive toward protection is discussed from its inception in nineteenth-century patriotism to its realization as imperial preference in the Ottawa Agreements; and the failure of the Ottawa policy to promote further expansion is made apparent.

Professor Hancock has probed well below the surface. But his methodological apparatus prevented him from exposing the vital parts. By placing them in their economic context, he has been able to show why past policies appeared plausible. He has, however, failed to explain why a given policy was adopted instead of possible alternatives. He has shown with insight how the Empire developed economically, but not why it developed the way it did. By his use of the frontier theory, he implies that for social health the possibility of continuous economic expansion must ever be present. Yet, because its use condemns him to deal with categories rather than causes, he is unable to reveal the necessary conditions which make such expansion possible.

A. B. HANDLER.

Washington, D.C.

Cadiz to Cathay; The Story of the Long Struggle for a Waterway Across the American Isthmus. By MILES P. DUVAL, JR. (Palo Alto, Cal.: Stanford University Press. 1940. Pp. xix, 554. $5.00.)

The Fight for the Panama Route; The Story of the Spooner Act and the Hay-Herrán Treaty. By DWIGHT CARROLL MINER (New York: Columbia University Press. 1940. Pp. xv, 469.)

These volumes dealing with events in an area of prime importance in American foreign policy have special timeliness at present. The Caribbean and the Panama Canal now demand renewed attention because of their

relation to the developing problems of national defense. Both of the books are judicial in viewpoint and adequately documented. Both furnish abundant evidence that the extreme points of view common in discussions of canal diplomacy a generation ago are untenable and that there is much to regret in the record of the actions by both Colombian and United States authorities in the opening years of the century.

Materials easily available in printed form have now accumulated in such quantity and detail that the main outlines of events are no longer in doubt. The authors bring us, in addition, the evidence of the archives of the government departments as far as available, contemporary Colombian press comment less accessible to scholars, and the testimony of participants in the events discussed as it appears in their state papers, private correspondence, and interviews. Future students may discover changes in emphasis on certain details to be necessary if the private papers of Colombian and Panamanian leaders, those of William Nelson Cromwell and Philippe Bunau-Varilla, and the archives of the New Panama Canal Company become available for study. It seems unlikely that the major outlines of the story as we now know it will be greatly modified.

Dr. Miner's book is an intensive study of the events leading up to the Panama Revolution (especially in Colombia), of the steps taken by representatives of the Panama Canal Company and congressional leaders to secure adoption by the United States of the route finally chosen, and of the political pressures resulting in the negotiation and defeat of the Hay-Herrán treaty. Colombian public documents and newspapers are used to good advantage to show local opinion. A briefer treatment of the Panama revolution closes the volume.

The analysis of the political influences at the making of the Hay-Herrán treaty is the book's chief contribution. Colombian representatives were hampered by frequent breaks in telegraphic communications, the political jealousies inherited from the recent civil war, conflicts for executive control, and frequent cabinet changes. American policy suffered from disagreements in Congress over the route to be preferred and the uncertainties of an approaching election. Conditions on both sides favored the misunderstanding and arbitrary action.

The American leaders, the author shows, made a better showing than their earlier critics were willing to admit, a worse one than their friends maintained. Beaupré, the American representative at Bogota, comes in for sharp criticism. Hay stands in a less favorable light than do most of his contemporaries, especially in his espousal of the cause of the New Panama Canal Company under the influence of the astute William Nelson Cromwell.

Roosevelt fares badly. It is not pleasant to read the President's description of the representatives at Bogota as "animals" and "cat-rabbits,"

even if the phrases appear only in private correspondence. His impatience where calm judgment was essential, as shown both before and after the revolution in Panama, led him to actions which do not add to his record as a statesman.

On the other hand, there is no evidence that he or any other responsible government officer sponsored the Panama revolution; and whatever the scope of orders to the navy, the actions taken under them had precedent. Roosevelt, in his later "I took the Isthmus" speech, did himself injustice. The author's demonstration of the "tragic ineptitude" of the diplomacy of both Colombia and the United States in the "Panama affair" leaves the citizens of neither country ground for pride in their national foreign policy.

Commander DuVal's *Cadiz to Cathay* is not a popular discussion, as its title might indicate, but a scholarly review of the history of isthmian canal projects, especially the Panama route, a study of the diplomatic and congressional contests concerning the canal, and a history of the Panama revolution. It thus covers a larger field than Dr. Martin's volume. Its chief emphasis, however, is upon relations with Colombia, and the author's conclusions run parallel to those reached by Dr. Martin. The congressional history of canal developments is given special attention. The rôle of Senator Morgan in the development of canal policy is presented from congressional documents and his private papers more satisfactorily than by earlier writers. In discussing the ill-fated treaty with Colombia, Commander DuVal has used to excellent advantage the Herrán papers, which apparently were not available to Dr. Martin. Of special interest also is the discussion, drawn from official records, of the part played by the navy in the Panama revolution—a phase which has often been misinterpreted.

CHESTER LLOYD JONES.

University of Wisconsin.

Publicity and Diplomacy; With Special Reference to England and Germany, 1890–1914. By ORON JAMES HALE. (New York: D. Appleton-Century Company. 1940. Pp. xi, 483. $4.00.)

From the perspective of 1940, the epoch before Sarajevo looms dimly as a remote Golden Age when safety, honesty, and hope were the rule rather than the exception even among politicians and diplomats. But every present, however grim, has its seeds in its own past, however golden. The terrifying spectacle of today, therefore, ought never to discourage investigation of how the men of yesterday behaved and why. Professor Hale, of the department of history at Virginia, is no antiquarian seeking escape from the now into the then. On the contrary, his purpose is to see how the body politic first developed one of its characteristic modern fevers

in order that he may better diagnose its present mortal illness. With the aid of a Social Science Research Council fellowship and a later grant from the University of Virginia Institute for Research in the Social Sciences (never was money for scholarship better invested), he spent a year in England and Germany in the good old days of 1933 gathering data about the relationships between diplomats and newspaper men in the better and older days before the first installment of Armageddon. The result is a contribution to social and political analysis of rare penetration and incisiveness. The author's problem is that of describing the context within which Anglo-German relations were carried on in the period when most adults in both countries were for the first time both voters and readers, and when twentieth-century journalism, yellow and otherwise, had its birth.

To say that Professor Hale has done a splendid job would be an understatement. He writes with grace and erudition. He has an ear for detail, much of it fascinating, and an eye for the grand design. Best of all, he has what too many historians lack: a point of view and a set of clear concepts. He rejects the term "public opinion," implying rationality and consensus, in favor of "publicity," implying purposeful action on the part of *élites* of skill and influence to shape collective responses. "I have endeavored," he says in his preface, "to explore on a clinical level the triangular relationship between the public, the press, and the influential." He has succeeded admirably. In the period with which he deals, the press had not become the sharp weapon of diplomacy which Goebbels and his competitors have since made it. Yet diplomats were learning to use press-men for their purposes, and press-men were seeking to make capital out of diplomacy. *Weltpolitik* centered in Anglo-German relations, and these were more and more conducted in a climate of opinion engendered by the pushing and pulling of professional diplomats and professional journalists, as yet not *gleichgeschaltet*. This reviewer has nowhere encountered a more illuminating treatment of the German and British press in relation to foreign policy. Hale's method is that of the case study. His cases are well chosen and are searchingly dissected. His chapter on the English "spy-panic" and "invasion-scare" of 1908–10 is a masterpiece, too contemporary for comfort. One can regret only that the final chapter on 1914 is not quite up to the level of its predecessors, and that the author did not add a chapter of conclusions, generalized from his rich data. The conclusions are in his pages, however, and they will repay careful study by all interested in the arts of conducting foreign affairs in an age when the successful gain their ends not only by the Sword but by the Word.

FREDERICK L. SCHUMAN.

Williams College.

The Bolsheviks and the World War; The Origin of the Third International. By Olga Hess Gankin and H. H. Fisher. (Stanford University: Stanford University Press. 1940. Pp. xviii, 856. $6.00.)

Volumes from the Hoover Library staff grow in size and bulk of detail; they offer materials more and more rare, with increasing weight of editorial comment. This latest contribution can rightly be called indispensable to students of world politics. It contains a vast store of documents, some made available for the first time in English. It represents something close to perfection in the technique developed over the years by Dr. Fisher. The editorial text supplements the documents with factual and bibliographical materials, so that the background is complete and the story continuous. A new departure, in the Russian series, is the 25-page chronology, covering the main events in the history of international socialism from 1848 to 1918. The bibliography is probably the most extensive ever offered on the subject in English; it includes descriptions of revolutionary journals of the time, in various languages, as well as books, memoirs, periodicals, etc. Of special service to students are the biographical notes concerning persons mentioned in the text or documents—socialists long since forgotten, statesmen, present leaders, and companions of Lenin who have in recent years been "liquidated" or by more normal methods removed from the scene. Finally, the detailed table of contents and the thoroughgoing index make quick reference easy.

It is clearly impossible to "review" such a volume of international records. A few excerpts may indicate the relevance of the materials. The authors begin their editorial notes (actually history) in the 1870's; the first documents date from 1905, following the historic split between Bolsheviks and Mensheviks within the R.S.D.L.P. The anti-war documents can be studied with profit today. For instance, in his *Theses on the War*, written in Switzerland September 5 or 6, 1914, Lenin made his famous charge against socialists who had voted for the war budgets in their respective parliaments, that they were guilty of "direct betrayal of socialism." He called for a "merciless struggle against chauvinism," and for workers to turn their "weapons, not against brothers, hired slaves of other countries, but against the reaction of bourgeois governments. . . ." In demanding that socialists work to turn the imperialist war into class war, Lenin announced as a goal "the transformation of all separate states of Europe into a republican united states." (!)

Of typical interest also is Bukharin's pamphlet on *The Imperialist Pirate State*, in which one may read: "The most important question of tactics of our time is the question of so-called defense of the country. This word itself contains a deception, for it concerns not really the country as such, i.e., its population, but the state organization, the state. . . . The

state is a historical concept. This means that the state is not a permanent social law but a transitional social form . . . the state arises only at a certain stage of development and must vanish in another state. . . . With the abolition of class relationships the political expression of this relationship—the state—is abolished also, and a socialist society is formed without classes and without a state."

During the war years, the main purpose of the several international Socialist Conferences was, by means of resumption of class struggle on the part of workers, to force the ruling classes to conclude peace. The high mark of the various proclamations to workers of all countries was the Zimmerwald Manifesto, 1915, which shows the hand of Lenin. Following is an excerpt: "This struggle is also the struggle for liberty, for brotherhood of nations, for Socialism. The task is to take up this fight for peace—for a peace without annexations or war indemnities. Such a peace is possible only when every thought of violating the rights and liberties of nations is condemned. There must be no forced incorporation either of wholly or partly occupied countries. No annexations, either open or masked, no forced economic union, made still more intolerable by the suppression of political rights. The right of nations to select their own government must be the immovable fundamental principle of international relations."

Such excerpts, of which there are many of similar merit in the collection, make powerful reading now, when self-determination seems in eclipse, in a general twilight of the whole nation-states system. From another point of view, it should be possible for a student to work out from these documents the parallels and contrasts between what Lenin intended and what the Nazis are putting into operation.

Drs. Gankin and Fisher announce their next labor to be: *The Bolsheviks and World Revolution; The Founding of the Third International.* That will be awaited with keen interest. Scholarship of this kind, devoted to the preservation of original records, is of inestimable value, especially since totalitarian governments have adopted the practice of perverting history, partly by distortion, and partly by destruction of the original documents.

BRUCE HOPPER.

Harvard University.

Fifty Years of War and Diplomacy in the Balkans; Pashich and the Union of Yugoslavs. BY COUNT CARLO SFORZA. Translated by J. G. Clemenceau Clercq. (New York: Columbia University Press. 1940. Pp. x, 195. $2.75.)

For many years the Balkans—a word of Greek, Slavonic, or Turkish origin meaning mountains and designating the easternmost of the three

southern peninsulas of the European continent—have been a favorite field for mental gymnastics to many an outside observer. An impatient author, having realized that a presentation of Balkan affairs could not be made to fit into familiar patterns, has been forced to declare that if Southeastern Europe could be sunk beneath the sea, the peace of the world would be assured. Another has coined the word "Balkanization," meaning perennial division and strife, as a term of universal reproach. A political scientist, pretending to be realistic and forgetting that the origin of almost every disturbance in the Balkans could be traced directly to the door of the foreign office or legation of some Great Power, has given a highly inaccurate and unrealistic description of the politics of that region in the light of internal "power politics."

Count Sforza's new book aspires to be only a sympathetic testimonial of the life of the great Yugoslav statesman, Nicholas Pashich. Our author thinks that Pashich, like Cavour, represents an epoch rather than an episode in the history of his own people. His genius and his strength succeeded in making use of the events in his time. He devoted his long life to the cause of emancipation and unification of his people, the Serbs, Croats, and Slovenes, into one unitary kingdom of Yugoslavia. It was not his fault that the attainment of this goal entailed the disintegration or mutilation of two neighboring empires, the Ottoman and the Austrian. Count Sforza has no sympathy for the aristocrats of Berlin, Budapest, or Vienna, who brought about the first World War by acting in accordance with the Kaiser's marginal note to Tschirsky's report: "Those fellows [the Yugoslavs] can still be cured by blood and iron."

In these brilliant pages, Count Sforza deals chiefly with the relations between the Italians and the Yugoslavs. The historic aftermath of 1848 offered the Italians an initial barrier to a complete Italo-Slavic understanding. The Italians long remembered that the Austrian Slavs had been the mainstay of Hapsburg oppression and that they had formed the most faithful Hapsburg garrisons in Milan and Venice. But the author, to his lasting credit, is not an adherent of Stephen Decatur's principle—"my country, right or wrong." He does not hesitate to state that the Italian practitioners of *Realpolitik* were at the opposite pole of reality, because "your true realist knows that idealistic motives form an essential part of reality" (p. 163). Finally, at Rapallo, in 1920, the author, as foreign minister of Italy, persuaded the Yugoslav government to give voluntary and cordially an acknowledgement of the fact that half a million Slavs had to become Italian, since they lived on the Italian side of the Alps.

There are some errors. The word *Konstitucijt* must be *Konstitutsiya* (constitution). *Cheabo* must be *Shvabo* (Swabian), a nickname for "German." The name "Milanovich" must be "Milovanovich." Pashich, as

political exile in Bulgaria, enthusiastically approved the reunion of Bulgaria and "Eastern Rumelia" in September, 1885, and even asked the Bulgarian government to furnish him arms and munitions for a new rebellion in Serbia. In fact, he rendered a valuable service to the Bulgarian government during the Serbo-Bulgarian War (1885–86). These facts could easily be verified in the files of the London *Times* as well as in Bulgarian and Serbian official publications.

It is but fair to say that Count Sforza is a well-known anti-Fascist statesman and the only Italian nobleman, so far as can be ascertained, who appreciates the virtues as well as the vices of the peoples dwelling in Southeastern Europe. Like Mazzini, his illustrious countryman, Sforza believes in the feasibility of a union of Balkan States. He has made a valuable contribution to a realistic understanding of Balkan diplomacy.

THEODORE I. GESHKOFF.

Columbia University.

This Second War of Independence. By WILLIAM S. SCHLAMM. (New York: E. P. Dutton and Company. 1940. Pp. 260. $2.00.)

Somewhat more than one-half of this book is devoted to an examination of the democratic collapse in Continental Europe. It is the author's opinion that free Europe became Hitler's victim largely because public spirit had declined. This decline was reflected in the stupid opportunism of political leaders, in phlegmatic, routine-enslaved bureaucracies, and in the great number of "professional" intellectuals who preferred to toy with arid ideological nonsense instead of inculcating democratic loyalties. Above all, the decline of public spirit was manifested in the attitude of the masses who consistently preferred the social gains of a policy of pacifism, howsoever transitory these might be, to the sacrifices necessary for the preservation of national liberty. From this diagnosis of democratic Europe's fatal malady, the concluding chapters of the book attempt to derive profitable suggestions for America's own defense in the current crisis. These suggestions include startling, but by no means impracticable, proposals for combating "Trojan-horse" activities, for solidifying hemispheric political and economic unity, and for developing a more effective defensive strategy against the totalitarian threat from abroad.

Critics, although agreeing with Mr. Schlamm's principal thesis that the pacifism of the masses spelled the doom of the Continental democracies, may occasionally differ with him as to the causes of that pacifism. In identifying those causes, some will undoubtedly attach more importance than he has to the psychological effect of the misplaced popular faith in the efficacy of the post-Versailles juridical apparatus for safeguarding world peace. Such differences of opinion cannot, however, affect the solid

merit and the usefulness of Mr. Schlamm's book. To its production he has brought an intimate knowledge of European affairs, acquired during a distinguished journalistic career, and a mind refreshingly free from pedantry and ideological preconceptions. The result is a volume whose intellectual vigor and critical discernment place it well in the van of most of the recent obituaries on European democracy. It is, moreover, a work offering a challenge to action which America, as the chief surviving democracy, can hardly ignore. If there are still those who believe that free institutions are a miraculous manifestation of divine benevolence or a kind of automatic phenomenon of nature, they will do well to read what Mr. Schlamm has to say.

ARNOLD J. ZURCHER.

New York University.

The Statecraft of Machiavelli. By H. BUTTERFIELD. (London: G. Bell and Sons Ltd. 1940. Pp. 167. 6s.)

This volume is a tight little book from the tight little island; it should take its place among the important contemporary interpretations of Machiavelli. While it argues a case, it is in no sense a tract of the times, though this may be, indeed, a time to return to the "Machiavellian" interpretation of Machiavelli. Mr. Butterfield insists that the central effort of Machiavelli's work was to establish a science of statecraft based upon the knowledge that one may gain from a study of the past. There is no willingness to save the great Florentine from the charges made against him by his contemporaries or later critics. The picture here drawn is of a man whose own precepts could not save him, who was out of touch with the world of politics in the exile's study, and who advocated a consistency in the use of power that even the casual gentlemen of the Renaissance could not stomach.

"The same maxims recur in *The Prince*, the *Discourses*, the *History of Florence*, and the private letters; the statecraft in all these writings is continuous and the exposition is of the same texture throughout; our judgment of Machiavelli and his science is independent of that special pleading which is so often done on behalf of *The Prince*" (p. 20). Machiavelli was original most of all, argues Mr. Butterfield, in contending that statecraft could be erected into a permanent science, a proposition which was rejected, for example, by Guicciardini, who held that in politics no rule holds good. To establish his science of statecraft, Machiavelli turned to history; but his use of history has three important aspects. He believed that great men might be imitated; that since political situations recur, the present problems may be solved by maxims derived from the past; and that as a guide to human behavior the history of the ancient world was superior to all other. The ancient world taught by maxims and examples.

The author asserts that Machiavelli believed the man who was wholly good might be admirable, but he despised the wicked man who could not be wholly wicked (p. 101). "Machiavelli's system was to make men more consistent and scientific in their political cunning, so the effect—the very intention—of his remarks on morality was to clear the path for the more general acceptance of the kind of statecraft that he had to teach" (p. 113). Regarded as too violent and extreme by his fellows, Machiavelli wanted to be the reformer of the ineffective statecraft of his day. He was a doctrinaire of the principle of thoroughness.

Two other aspects of this work deserve attention. Mr. Butterfield offers a remarkable analysis of the Renaissance cult of the ancient world and of the rise of the inductive method in order to place Machiavelli in his background. But, turning to England, he examines the political ideas of "the notorious politician Bolingbroke," a case of the genuine influence of Machiavelli's ideas. As the author showed the indebtedness of Machiavelli to his past, so he shows how many of the Florentine's ideas were used by Bolingbroke.

The hypothesis so ably presented here has the merit at least of consistency. It suggests that Machiavelli said often just what he meant, and that his own contemporaries could read as clearly as Machiavelli could write. This volume presents a convincing argument for a modest but intelligible theory.

FRANCIS G. WILSON.

University of Illinois.

The Coal Industry. BY GLEN LAWHON PARKER. (Washington, D.C.: American Council on Public Affairs. 1940. Pp. 198. $3.00.)

Dr. Parker has ably analyzed the attempted solutions of the coal industry's problems as exemplified by the Bituminous Coal Code of the National Recovery Act, the Coal Conservation Act of 1935, and the Coal Conservation Act of 1937. Some attention is given to stabilization through the sales agency as practiced under the Appalachian Plan. His legislative approach to the coal problem is strengthened by several chapters dealing with the economic and social aspects of the industry, the effectiveness of private management, and a discussion of some of the legal concepts involved in the relationship of government to the coal business.

Political scientists will be interested chiefly in the author's appraisal of the efficacy of the various legislative efforts. Of N.R.A., he states: "The major defect of the code was the decentralization of authority. An industry as chaotic as the coal industry needed a strong centralized authority to prevent a renewal of old-time anarchy . . . it failed to control new capacity and did not attempt to plan market conditions." He concluded that much more success would have been achieved if a code authority had

been created that would have correlated the prices for the entire energy industry, coal, oil, and gas. The coal code apparently was open to the usual criticism of all codes under N.R.A., that the interests of labor and consumers were made secondary to the interests of the code members.

The National Bituminous Coal Commission is known principally for its abortive efforts to fix the prices of coal. Since the abolition of the Commission by executive order in 1939, its functions have been carried on by the Bituminous Coal Division of the Department of Interior. The chief criticism of the Bituminous Coal Conservation Act is that "it is a stabilization method pure and simple, and that conservation is an optional by-product." The legislation also failed to correlate all of the energy industries. "It is an attempt, not at planning, but at restricting production in one industry, so that it will not be penalized by industries which by their own devices restrict production."

Stabilization through the sales agency legalized by the Supreme Court in the Appalachian Coal case is damned by faint praise in that it has several advantages over unrestricted competition, but offers no stability to that industry. In concluding his study, the author strongly suggests some form of government ownership as the only proper solution of the coal problem. This might take the form of government royalty ownership or complete government ownership and operation of bituminous mining. The conclusion is equally applicable to any business that is now losing money and needs subsidization from the taxpayers' money. If this be the criteria, let us nationalize shipping, the railroads, textiles, and certainly all of the natural resources industries. For those readers who bother with footnotes, the lack of sequence and resulting confusion on page 160 will be disturbing.

CHARLES C. ROHLFING.

University of Pennsylvania.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Political scientists and others, in making post mortem analyses of the 1940 election, are naturally interested in parallels. To what extent does the 1940 election parallel the 1916 election, the 1896 election, the 1860 election, and others? Such students will not find Professor Cortez A. M. Ewing's *Presidential Elections from Abraham Lincoln to Franklin D. Roosevelt* (University of Oklahoma Press, pp. xiii, 226, $2.50) especially helpful. The author does not examine party platforms, campaign slogans, or campaign strategy with a view to a determination of their significance in particular elections or for trends in general. It is his contention that switches from one party to another must be attributed to more subtle and elusive factors. Indeed, these motivating forces may be only subcon-

sciously felt by the voters concerned. Professor Ewing, however, believes that these factors can be brought to the surface and their importance determined by a statistical study of election returns.

In this approach, Professor Ewing has done a thorough job. He has grouped the states into sections labelled East, Border, South, Middle West, and West, and has analyzed the returns from every imaginable statistical angle. There are more than thirty charts and graphs, with much additional statistical data. Naturally, this approach does not lead to dramatic and extensive conclusions. Some conclusions are drawn, however. "Political freedom" was the dominant issue in the post-Civil War period, crowding other issues out for some time. Then, slowly the issue of interventionism developed. Looking into the future, planned economy may become the next big issue. One section, the South, because of its conscious martyrdom and its suffrage restrictions, has put itself outside the main stream of American political thinking. The wheels of democracy grind slowly, according to Professor Ewing, but they do none the less grind.—E. ALLEN HELMS.

During the summer of 1940, a group of scholars at Harvard University prepared, for the Committee on Public Administration of the Social Science Research Council, *Civil-Military Relations; Bibliographical Notes on Administrative Problems of Civilian Mobilization* (Chicago: Public Administration Service, pp. vi, 78, $1.00). These men examined a large number of titles on the experience of the United States, Great Britain, Germany, and France in the field of civil-military relations—concentrating on administrative problems since 1914. They developed, for each country, one system of classification in a valuable introduction to a judicious selection of titles—these being arranged according to another system. Each title is accompanied by appropriate critical comment. There is a brief list on Canada's experience, without any introductory comment, and without annotation. Here is a useful guide for reading and research, and a valuable aid to those building libraries on the subject. *Administration and Organization in War-time United States; A Bibliography* (Chicago: Public Administration Service, pp. iv, 17, $0.50), compiled by Dorothy Campbell Culver, makes available bibliographical information on a wide range of subjects related to war-time administration—national defense, health, subversive activities, post-war conditions, and twenty-six others. Although restricted to the United States, and furnishing only brief notes indicating the contents of the works cited, the publication is a useful aid to the study of civil-military relations.—ROBERT W. MCCULLOCH.

Dr. Oscar Weigert has had many years of experience as a German civil servant and administrator in the field of labor problems and public em-

ployment offices. His monograph entitled *Administrative Problems of Employment Services in Eight States* (Public Administration Service, Pub. No. 72, pp. v, 50, $1.00) is based upon material gathered during personal visits to the eight commonwealths in the summer of 1939. Students of general public administration will find in it some realistic observations on management problems which are rather universal. These include the location and size of field offices, the organization of activities (sometimes known as functionalization), centralization, supervision, standards and measurements, and caliber of personnel. Two outstanding facts seem to emerge relative to the achievements of the state employment services. The first is the coördination of employment offices with unemployment compensation administration, a move commended by the author. The second is the small proportion of labor turnover taken care of by public employment services. It would seem that a large preponderance of employers does not utilize this means of recruiting.—JOHN M. PFIFFNER.

Aware that its own gigantic defense program and increasing aid to Britain in the emerging struggle of resources and productivity may soon compel the United States to face difficult problems of price behavior, the War Department requested an investigation of the whole subject of price controls. The result is Charles O. Hardy's *War-time Control of Prices* (Brookings Institution, pp. 212, $1.00), a combination of compendium and primer on procurement and prices in a war-time economy. In the first of the two main parts into which the book is divided, a concise introduction admirably summarizes the whole problem. Subsequent chapters explain the nature of the price problem in war-time, emphasize the importance of establishing correct fiscal and banking policies, suggest a series each of indirect and selective price controls, and discuss the administrative machinery deemed most suitable to achieve the desired ends. The critical part of the chapter on the Baruch "price ceiling" plan does not do full justice to that proposal, and has a tendency to raise up some confusion in connection with the author's alternative plan of a combined attack through fiscal policy and selective price controls. Part II consists of a series of chapters which succinctly abstract the World War experience with price controls over basic materials, food, fuel, and rents, and includes a summary of the lessons to be drawn from that effort. Specialists in economics, politics, business, finance, and social problems will welcome this compact guide as a valuable aid to the broader, more detailed, studies they will make of the problems created by a war-time economy.—GEORGE H. E. SMITH.

Evidence of the increased emphasis by scholars upon administrative law and adjudication is to be found not only in the abundance of law

review articles on the subject, but also in the growing number and variety of case-books and compilations. Among the latest of the case-books, and among the better ones, is Walter Gellhorn's *Administrative Law; Cases and Comments* (Foundation Press, pp. lxxii, 1007, $6.00). On the assumption that it is not possible in a course in administrative law to consider in detail either the procedure or the decisions of all the administrative agencies, Mr. Gellhorn has confined his selection of cases and comments to the legal issues presented by (1) the separation of powers, (2) administrative procedure, (3) the methods provided for the relief of aggrieved persons against administrative action, and (4) the potential scope of judicial review. Although one may quarrel with Mr. Gellhorn concerning the organization and arrangement of his materials, as one may quarrel with any compiler, for that matter, the excellence of a case-book must stand or fall on the general quality of its materials and the discrimination manifested by the editor in selecting and compiling them. In this respect, Mr. Gellhorn has exercised very good judgment; and he has provided a thoroughly adequate text for courses in administrative law. The principal merit of the book, indeed, is the inclusion of some of the best literature on administrative law from the law reviews and other sources.—ROBERT J. HARRIS.

William A. Mabry has written a factual, pedestrian account of "The Negro in North Carolina Politics since Reconstruction" (*Historical Papers of the Trinity College Historical Society, Series XXII*, Duke University Press, pp. vii, 87, $1.00). His narrative centers around increased Negro voting during the Populist-Republican fusion campaigns of the 1890's when Negroes, courted by all parties, perhaps held the balance of power. In 1898, a campaign for sound government and white supremacy defeated the Fusionists; and unfortunate race riots followed in Wilmington. Soon the victorious Democrats, contrary to their campaign pledges, disfranchised most Negroes. Here the main narrative ends. It is a story enriched by the use of several private papers of North Carolina leaders. Its chief value lies in its sympathetic and fair treatment of a segment from a controversial national problem. As a political study, it lacks adequate linkage with national affairs. Thus Populism is treated too much in isolation; the bibliography lists no out-of-state newspapers and but one national magazine. Many social and economic forces are slighted. Unfortunately, a study of this type (presumably a dissertation) must have narrow limits; yet need one be this narrow? Within his limits, Professor Mabry did a creditable piece of work.—GARLAND DOWNUM.

In *Democracy and Finance* (Yale University Press, pp. xiv, 301, $3.00), James Allen has brought together and edited an interesting collection of

public addresses and statements made by William O. Douglas as a member of the Securities and Exchange Commission during the last two years before he became an Associate Justice of the Supreme Court. A few of the speeches deal with the nature of administrative regulation and with education in government and law; but for the most part the subject-matter of the book centers around financial practices which were the direct concern of the Commission. Mr. Douglas contends that a vitalized democracy calls for more democratic processes than we have for the control of corporations by investors; that control by self-interested financial institutions tends to destroy the efficiency of industry; and that multiple allegiance on the part of fiduciaries and their lawyers violates the avowed purpose for which these agencies are established. Above all, he contends that government should aid in the establishment of new devices through which investors can exercise some genuine control over directorates and protective committees instead of being left at the mercy of the management and brokers, both of whom may be seeking only to protect their own interests. —EDWIN O. STENE.

Elton D. Woolpert's *Municipal Public Relations* (International City Managers' Association, pp. v, 50, $1.00) is a timely contribution to the developing science of public administration. Its eleven chapters first appeared serially in *Public Management*, from September, 1939, through July, 1940. Too frequently, a government which deserves good public relations on the basis of its policies and its operating efficiency incurs public disfavor because it neglects the human factor. Within rigid space limitations, Mr. Woolpert does an excellent job of analyzing the relations between the city government and its citizens and presenting a positive program designed to better those relations. The first step is a comprehensive survey of existing relationships, which must include not only an appraisal of the public's attitudes and opinions, but also a critical examination of the city administration from within. The weaknesses revealed can then be attacked on several fronts: personnel practices; employee contacts with citizens; physical appearance of municipal employees, buildings, and equipment; procedures for handling inquiries and complaints; tax collection methods, etc. In-service training in public relations is discussed intelligently, as are the problems of organization for public relations and municipal reporting. The monograph merits the careful attention of all interested in improved administrative techniques.—FRANK M. STEWART.

National Policy for Radio Broadcasting (Harper and Brothers, pp. x, 289, $3.00), by Cornelia B. Rose, Jr., is a comprehensive survey of prevailing American broadcasting practice. On the factual side, it goes behind the mere forms of government regulation to examine engineering

data and to lay strong emphasis on economic matters, such as the organization of national networks. In the world of opinion, it discusses in a rambling way the desirable balance between points of view. Should private enterprise or the government transmit short-wave praises of American democracy to other countries? How much of the radio spectrum should be assigned to small, short-range stations capable of placing local politicians and businessmen in intimate touch with their communities, and how much of it should be devoted to powerful stations carrying programs of nation-wide interest? Should newspapers or religious denominations be allowed to own stations, or should ownership be confined to organizations exclusively engaged in broadcasting? While the author raises a number of problems, she is hesitant about presenting positive solutions. Even the final chapter bears the cautious title of "Toward Policy," and is more of a hint than a blue-print for immediate action. The general attitude is that the existing plan of commercially-financed broadcasting should be continued, with some changes, and that increased governmental supervision should be regarded with suspicion, as a possible entering-wedge for fascism.—WILLIAM BEARD.

The Montgomery County (Ohio) *Survey* (Public Administration Service, pp. 529) is a misleading title, because its great merit is that it covers every phase of local government: the city of Dayton, the city and county school districts, the public library, the villages and townships, and the Miami Conservancy District. Because of the ten-mill limitation on the real property tax for local operating revenue in Ohio, such an all-inclusive local study is essential if any true picture is to be presented. Too many single-unit local government surveys have suggested solving the financial problem of that unit by robbing another unit of local government. This survey is significant, also, because Dayton has had an efficient small-council city manager government for twenty-six years; consequently, the difficulties in which Dayton finds itself are not due to bad organization and bad procedures which research experts delight in revealing. The county portion of the survey substantially corroborates the findings of the Governor's Commission on County Government, 1934, but goes into more detail and covers more activities, such as elections and agricultural services. In general, the recommendations are constructive, sensible, and based on the detailed findings of the staff of experts. Three alternatives are suggested for county reorganization. In the matter of city council changes, this scientific procedure seems to have been abandoned for the sake of political expediency. A general coöperative arrangement among the several local units of government is suggested as a coördinating device.—O. GARFIELD JONES.

In a mimeographed study entitled *Reapportionment of the State Legislature in Michigan* (Detroit Bureau of Governmental Research, Report No. 153, pp. 68), Charles W. Shull and J. M. Leonard analyze the present distribution of members of the Michigan house and senate in relation to the population of the state and offer several plans for reapportionment of the two houses. They show by county and by broader geographic areas where under-representation and over-representation exist and offer a partial explanation of the mal-distribution of legislative membership in terms of constitutional prescriptions. Their analysis and their proposals for reapportionment will be suggestive to students confronted with like problems in other states. The chief value of their study will be to the legislature of Michigan in working out a better legislative apportionment. The physical appearance of the study and the method of exposition are not designed, however, to attract a very inclusive body of readers.—CHARLES S. HYNEMAN.

Personnel Programs for Smaller Cities (Public Administration Service, Publication No. 73, pp. 46, $0.75) presents at once a report of the cooperative construction of a personnel program for Flint, Saginaw, Kalamazoo, and Dearborn, Michigan, and outlines the fundamental principles essential in a modern merit system established with a positive view. The Civil Service Assembly of the United States and Canada and Public Administration Service contributed the knowledge and experience of their staffs for the establishment of sound legal provisions and modern operating methods. Each of these cities, in adopting a system, made suitable modifications. Also, Municipal Personnel Service was created by the Michigan Municipal League to provide continuous technical assistance in the conduct of the merit systems. The features of the program presented are those of organization for personnel administration, position-classification, pay, recruitment, and an in-service program including personnel training, service ratings, promotion, transfer, discipline, demotion, and dismissal. Clarity is added to the report by keeping to principles and by inclusion of illustrative charts. The report is well worthy of the attention of officials of other small jurisdictions as well as of students of administration in general.—H. C. COOK.

Documents and Readings in American Government (Macmillan Co., pp. xx, 862, $4.00), by John M. Mathews and Clarence A. Berdahl, is a revision of the first edition, familiar to political scientists, submitted by the authors in 1928. New material, relating primarily to national government, has been added because of the extraordinary expansion of governmental activity in recent years. A reorganization of material has been made in

partial recognition of the growing emphasis upon the so-called functional approach in teaching government. In Parts I and II, labeled "Constitutional Basis" and "Popular Control," the material relating to national and to state government has been brought together. For the remaining materials, the traditional separation between national and state government has been retained, while all references to local government have been omitted.—CHRISTIAN L. LARSEN.

And Still the Waters Run (Princeton University Press, pp. x, 417, $4.00), by Angie Debo, is a grim account of how the Five Civilized Tribes were dispossessed of their communal lands in spite of solemn treaties that were to endure "as long as . . . the waters ran." It is a carefully documented record of the degradation of the fullbloods by the landsharks, legal exploiters, and political spoilsmen. As an historian, Miss Debo passes no judgment; but she has lived too close to the Indian Territory not to evince some personal feeling. She believes that the liquidation of tribal autonomy was "a gigantic blunder . . . that destroyed a unique civilization." She prescribes no remedy and outlines no policy, but she hopes for the revival of race consciousness and a return to collective enterprise.—MARIAN D. IRISH.

Civil and Commercial Aviation; a Guide to Federal Legislation and Administrative Agencies (University of California, mimeographed, pp. iii, 78, $0.75), by Dorothy Culver, is a compact, well-organized bibliographical survey of the legislative history of federal bills, the work of federal investigating bodies, and the development of federal mail and commerce agencies in the field of civil aviation. Conspicuously absent are a few topics, such as the civil airport program undertaken by federal relief agencies.—WILLIAM BEARD.

FOREIGN GOVERNMENT AND POLITICS

A book of importance for students of responsible government, public administration, and the British constitution, as well as for specialists in welfare problems, is John D. Millett's *The British Unemployment Assistance Board* (McGraw-Hill, pp. 300, $3.00), a significant case, of far-reaching implications, laid bare with a sure touch. On the dissecting table, it is a bit smelly but highly instructive. A leading domestic issue, unemployment assistance, was handled with the same clear vision and subtle strategy as were foreign issues from Manchukuo to Munich. But the story of the U.A.B. not only deals with another clever trick that backfired, surprising chiefly its authors, but it also points up the temptation to evade the basic implications of the system of responsible government—the danger to democratic institutions, not from the fifth column, but from

the first column, the group largely instrumental in their development. Those numerous friends in the United States of some particular and well-beloved special function of government who hope to find a quiet water for it out of the stream of politics will find Millett's pages sober but instructive, and doubtless welcome, reading unless they are concerned over low politics to the exclusion of high politics. (The U.A.B. episode was one not of stealing a ride but of stealing the road). The book focuses on the "independent" status of the Board. It is a scholarly study; the author goes to the record, line and page, but he also speaks with the persuasiveness of one completely familiar with the off-the-record story. The background, origin, relations with the Ministry of Labor, with Parliament, with the public, and the nature of the Board's functions take five chapters. Three others consider more generally "Ministerial Responsibility versus Administrative Autonomy" (a prelude to reviewing the Board's record), "Taking Relief Out of Politics," and "Portent for the Future." Not the last word on responsible government, but a valuable contribution to its study. Not a "leftist" book; just political science. No flaws worth noting in a 300-word review.—GEORGE A. GRAHAM.

In *The True Facts about the Expropriation of the Oil Companies' Properties in Mexico* (Mexico City: Government of Mexico, pp. viii, 270), the Mexican government has taken issue with that interpretation of the oil controversy found in the series of pamphlets published by the Standard Oil Company of New Jersey and in Donald Richberg's *The Mexican Oil Seizure*. The charge of illegality of the Mexican seizure is founded primarily on three grounds. First, such seizure was a violation of Mexican municipal law. Second, it was a violation of international law. And third, Mexico is unable to make just compensation for the properties seized. As to the first, it is said that the Mexican supreme court was correct in holding that under Mexican law the companies had no property rights in sub-surface oil. It is well established in United States as well as Mexican law that "due to the migratory nature of the oil, this does not become the property of the surface owner until it is brought to the surface and reduced to actual possession" (p. 135). United States cases are cited in support of this principle. As to the contention that the seizures violated international law, the thesis of the rebuttal is that "no doctrine exists in the international order establishing any rule of universal acceptance which makes immediate payment (not even deferred) obligatory in cases of expropriation for reasons of public utility" (p. 197). The fourth chapter seeks to prove Mexico's ability to give adequate compensation for the properties taken. A good statement of aliens' property rights under international law is found in Professor Josef L. Kunz's "The Mexican Expropriations," in *Contemporary Law Pamphlets* (New York University School

of Law, pp. 64). After summarizing the international law relative to expropriation of the property of aliens generally, the author discusses the Mexican land and oil seizures. Having paraded much evidence, he concludes that "the arguments of Mexico are legally untenable" (p. 60).—WILLIAM M. GIBSON.

Exclusive control over education by totalitarian states is a challenge to federated democracies to reëvaluate the relationships between their political systems and educational policies. In his *National Government and Education in Federated Democracies: Dominion of Canada* (Science Press Printing Co., pp. xvi, 676, $4.50), the late James Collins Miller directs attention to the urgent necessity for national leadership in education in Canada. This study, prepared with scholarly precision, outlines the constitutional background, historical development, and present status of the relation of the Dominion government to education. More specifically, the discussion covers land grants in aid of education before and after confederation, rights and privileges of religious minorities, national defense and education, education of the Indians, national government and vocational education, voluntary educational organizations national in scope, the educational branch of the Dominion Bureau of Statistics, departments of the national government and higher education, the National Research Council and higher education, the Royal Society of Canada, and concluding observations and suggestions. Documentary sources, including court decisions, are liberally quoted throughout the volume. The author has drawn also upon a rich background of experience in a provincial department of education and upon a wide acquaintance with Dominion and provincial officials to present a comprehensive picture of Canada's educational problems. His recommendations respecting the rôle of the national government in providing adequate educational services for Canada as a whole should not be disregarded in the reshaping of Canadian federalism necessitated by present and post-war conditions.—LUELLA GETTYS.

Many British municipal periodicals are quoted by Don K. Price and James L. Sundquist in *The British Defence Program and Local Government* (Chicago: Public Administration Service, pp. vi, 55, $0.75). They illustrate admirably the new problems thrust upon local authorities as administrators of national policies, training 1,200,000 air raid precautions volunteers, doubling their police forces, quadrupling their fire brigades, evacuating and receiving 1,500,000 persons, acquiring land for allotments, preparing to repair damaged houses, salvaging refuse, and allowing their clerks to function as national registration officers and food executive officers, besides themselves appointing them air raid precautions controllers. These documents show to what extent the national government

has trusted the discretion of local authorities in this spending of national money. Reference is made also to the state's activity in coördinating such local services as hospitalization and fire-fighting on a regional scale for the first time. Somewhat less attention is paid to the relief afforded to local public assistance committees by the national Assistance Board's assumption of responsibility for the uninsured unemployed and for the inadequately pensioned aged. The period covered is that of intensive preparation from 1938 to the spring of 1940. It is to be hoped that the subsequent period of intensive fighting may be surveyed from the same practical standpoint of municipal administration.—W. HARDY WICKWAR.

Frieda Wunderlich has published under the auspices of the New School for Social Research (in particular, of the Graduate Faculty of Political and Social Science) the first essay "in a series dealing with German social policy during the life of the German Republic, 1918–1933." The current study, *Labor Under German Democracy—Arbitration, 1918–1933* (pp. xiii, 100), is a succinct presentation of the essential factual material and relevant public policies. The study shows the drift toward the increasing importance of state action and the effects on labor organization of that development. The series will be important for understanding contemporary Germany if the quality holds at the level of this beginning.—CHARLES B. HAGAN.

INTERNATIONAL LAW AND RELATIONS

Since the renewal of Sino-Japanese conflict in 1937, many works describing American policy and interests in Eastern Asia and recommending types of future action have appeared. These have varied from scholarly summaries of Far Eastern events, combined with rational defense of the Pacific legal order, such as W. W. Willoughby's latest book, to sensational works recommending the immediate ruin of Japan or immediate "realism" in appeasing Japan. Since many newspapermen have written sensationally, it is especially interesting, in *Our Future in Asia* (The Viking Press, pp. 306), by Robert Aura Smith of the *New York Times*, to find the lucid, well-argued statement of a relatively fresh point of view, a return to the imperialism of Beveridge. In Chapters I–III, "Our Stake in the South China Sea," the author develops the significant but often neglected picture of this area as economically complementary to us, with raw materials which we lack most—rubber, tin, coconut products, antimony, kapok, quinine, etc.—and needing American exports. Chapters IV–VI, "Threats to the Status Quo," state the main thesis, that of "good imperialism," and appraise native nationalism, American retreatism, and Japanese aggression in relation to this. Chapters VII–IX, "Our Philippine Venture," state a viewpoint common among Americans in the Philippines:

the United States should develop its Philippine interests, instead of neglecting or relinquishing them; and Philippine autonomy or independence should be subordinated to the economic welfare and military security of both countries. In five concluding chapters, the author sketchily describes the legal position of the United States in the Western Pacific, portrays American relations with China and with Japan, outlines the course of Japanese aggression to date, and concludes with "The Defense of the South China Sea." Particularly impressive is Mr. Smith's recognition of America's enormous political and military stake in Nationalist China. The author's concluding recommendations, however practicable, are of the highest interest: repeal of the Japanese exclusion act, "to clear our decks and clear our consciences" (p. 290); settlement of all Philippine issues by a compromise inauguration of mercantilism and autonomy; development of naval and air strength based on Manila; supply of further aid to the Chinese government; embargo on war materials to Japan; and willingness to face all contingencies. Mr. Smith, whatever the merits of his thesis, at least offers American democracy a chance at the initiative, and escape from the disheartening blind alley of negative defense. For this reason, his work is probably too bold to enjoy wide acceptance.—PAUL M. A. LINEBARGER.

L. Tung's *China and Some Phases of International Law* (Oxford University Press, pp. 210, $2.25), published under the auspices of the China Institute of Pacific Relations, adds another and more important volume to the list of treatises describing the interpretations of international law by particular states. On a very limited scale, this resembles Hyde's *International Law, Chiefly as Interpreted by the United States*. The author brings to his work the results of academic study in this country plus practical experience as Secretary to the Central Political Council of the Chinese National Government. The book purports to cover only certain phases of the law. Included are the topics of jurisdiction, nationality, diplomatic and consular relations, and pacific settlement of international disputes. Each of these is broken down into its component parts, such as jurisdiction over territory, over ships, and over persons. The treatment is further limited in that it embraces only the period since 1842. More especially, it is concerned with legal developments since 1911. Much use is made of treaties, laws, and regulations. Indeed, this is the first work on international law which has brought to the knowledge of the profession the contents of Chinese laws dealing with the subjects at hand. Judicial decisions come in for less attention. Notwithstanding the important place occupied by extraterritoriality, the treatment of this is restricted, and no application is made of the decisions of the extraterritorial courts. While there are some excerpts from diplomatic correspondence, they are not as numerous

as might be desired. Some new light is thrown upon the legal aspects of the Chinese boycott. The author is essentially a positivist. There is little regarding whatever philosophy the Chinese may have toward the law of nations. Dr. Tung has made an excellent start on a large subject. It is to be hoped that he will extend his writings to cover China's interpretation of other phases of international law. In particular, at a time when there is such need of rethinking the theoretical premises of the law, it would be helpful to have the benefit of counsel along such lines from one through whose race flows the wisdom of centuries.—NORMAN J. PADELFORD.

In his *Pacific Islands Under Japanese Mandate* (Oxford University Press, pp. x, 312, $2.50), Tadao Yanaihara, formerly professor of economics, Tokyo Imperial University, has made the first thorough and detailed study of native life in the Mariana, the Caroline, and Marshall Islands to appear in English since Japan assumed responsibility for these western Pacific groups during the World War. The organization and the content of the study may be seen in the chapter headings: geography, history, population, external economic relations, economic life of the islanders, native money, the land system, the modernization of economic life, society, religion, and government. Throughout, the emphasis is on the life of the native peoples as it has been brought in contact with the colonizing efforts of Spain, Germany, and now Japan. In the presentation of the factual story, Professor Yanaihara has marshalled an impressive body of factual material gathered from a wide group of sources and from his own observation. Much of this material appears, in English at least, for the first time. As a study, therefore, in social and cultural history, this book has much to recommend it. As a political study, it is less satisfactory. The chapter on Japan's mandatory government does not go far beyond a mere statement of the forms. There is no discussion (and this is perhaps unavoidable) of Japan's observance of the military terms of her mandate. Likewise there is no discussion of the position of the islands in Japan's scheme of naval strategy in the Pacific, or of the relation of this subject to the legal status of the islands as a Class C mandate. However, within the more limited and less controversial fields to which the author has confined himself, his contribution is substantial.—PAUL H. CLYDE.

The World Peace Foundation has brought out the second annual volume in a series begun in 1939, entitled *Documents on American Foreign Relations* (pp. xxxx, 875, $3.75), and edited by S. Shepard Jones and Denys P. Myers. The hectic atmosphere of recent months is well indicated by the fact that while the first volume, covering a period of eighteen months (January, 1938—June, 1939), included about 300 documents in less than 600 pages, this second volume, covering a shorter period of but a year

(July, 1939—June, 1940), is considerably bulkier and includes nearly 500 documents. It is also particularly significant that the amount of space given to documents on national defense has almost doubled. This volume is patterned closely on the first in its scheme of classification, with two significant new chapters added (on "Moral Embargo" and "The Department of State and the Foreign Service"), and one chapter broadened from "Refugees" to "Treatment of Persons" (including papers on relief, evacuation of citizens, control of aliens, passport regulations, and refugees). A few documents are included that antedate the period covered, but that are particularly relevant to the materials of the period (e.g., the Johnson Act of 1934, placed with the materials on financial transactions); and a number of documents are included that do not strictly relate to American foreign policies but that are important as a background to American policies, such as the German-Russian Pact, the British-Polish and French-Polish Agreements, and a dozen other documents with respect to the outbreak of the war; the German Memorandum to the Danish and Norwegian Governments, the Norwegian White Paper, and half a dozen other documents with respect to the invasion of Scandinavia, and similar documents with respect to the Low Countries and other phases of the war. Altogether, it is an excellent collection, well edited, and conveniently arranged, the usefulness of which is also increased by an index in this second volume to the two volumes now issued. It is to be hoped that this admirable series can be continued.—CLARENCE A. BERDAHL.

While it is commonly recognized that the League's sharp decline into desuetude began with the Italo-Ethiopian fiasco, it is not as well known that this failure occasioned an effort among many member states to ward off such decline by taking lesson of experience. The first systematic study of the official documentation of this effort is S. Engel's *League Reform; An Analysis of Official Proposals, 1936–1939* (Geneva Studies, Vol. XI, Nos. 3–4, pp. 282). Though the question was called formally the "application of the principles of the Covenant," it really involved consideration of radical changes in the League's structure. Little, indeed, resulted except elaborate documentation, and the formal action taken was only on the less difficult issues. The Assembly passed resolutions on the coördination of the three peace covenants and on the separation of the League Covenant from the Peace Treaties; moreover, to increase collaboration with non-member states, there was set up a Central Committee for Economic and Social Questions. Diversity of opinion, if not half-heartedness, prevented action on the larger problems such as that of either increasing or lessening the coercive obligations. Dr. Engel's presentation of

the many questions and views is valuable if only because, as Professor Pitman B. Potter observes in an introduction, the subject of League reform raises virtually all the major issues of international organization. Perhaps the most important issue placed in relief by the recent history of the League is whether failures of international organization are due more to legal machinery or to men. Dr. Engels' own observations seem to point generally to the sane conclusion that the reform of the League's machinery is less important than the achievement of solidarity and good faith among its members.—ALBERT K. WEINBERG.

The Economics of War (Prentice-Hall, Inc., pp. xiv, 319, $2.75), by Horst Mendershausen, is a clear, simple statement of the economic problems presented to an industrial nation for solution during a major war. Part I covers the needs of a warring nation, in men and matériel. Part II deals with the proper distribution of national resources, emphasizing the need for a full application of priorities. Parts III and IV deal with the problems of neutrals who willy-nilly must develop a war-time economy due to the local dislocation produced by belligerent operations—and with the problems of post-war economics. Both of these subjects receive the full treatment that they deserve, but do not always receive, in studies of war economics. Among other important points, the author notes that price-fixing has too often been confined to protecting the government rather than holding down civilian living costs. He emphasizes a point often overlooked, that the term "strategic and critical materials" is purely relative, since new sources of supply or a reduction in demand due to a change in the character of munitions may remove a material from the list. He stresses the need for preventive rather than protective rationing. He points out that reparations can be collected after a war only if the nation's productive capacity is fully engaged and its workers fully employed, in which case payments may be turned directly into filling new human wants. There is some doubt in the reviewer's mind concerning the author's estimate of the necessary ratio between soldiers and industrial workers. Writers on this subject often place it so high that civilian workers would outnumber total males. The author appears also to have given insufficient attention to the need for creation and maintenance of strong national morale if a high war potential is to be maintained, though recognizing that a low health standard may seriously impair morale. One might also wish for a simplified summary or discussion of the war potentials of the leading powers which are included in an appendix. However, the book is an able presentation of the economic problems of war today, drawing heavily as it does on the actual experience of the present belligerents.—HAROLD J. TOBIN.

At a time when the map of the world is being changed before our very eyes, Matthew M. McMahon's *Conquest and Modern International Law* (Catholic University of America Press, pp. vi, 233) is a most valuable contribution to an understanding of the problems involved in these changes made essentially by the use of force or the threat of force and compulsory cession. With the political or ethical values implied in these conquests, the author does not concern himself. His is merely an examination of the legal bases of conquest as a valid title viewed from the standpoint of theory and practice of states. And to this he brings a wealth of material from the earliest writings of publicists, tribunals, and treaties to those of the present day. The author's theme is simple: "Conquest is one of the accepted legal modes by which a state may acquire territory from another state under the laws governing the international society." That this is so should not be at all surprising, for as a matter of fact "almost every state of the family of nations has gained title to at least some of its domain by conquest." Yet it is Mr. McMahon's view that under international law as it exists today there are certain "legal limitations on conquest" which have been accepted by international society. It is only here that one really finds fault; for what in reality appears as mere objections to the use of compulsory cession, stated perhaps in the form of treaties, is deemed to have the effect of law. In the main, however, this work is scholarly as well as timely; and it contains many quotations, adequate citations, a good index, and an excellent bibliography.—Benjamin Munn Ziegler.

The Balkan crisis of 1908 has long been a happy hunting ground for diplomatic historians. In his *European Diplomacy in the Near Eastern Question, 1906–1909* (University of Illinois Press, pp. 124, $1.50 paper, $2.00 cloth), Wade Dewood David enlarges the picture by including the significant attendant difficulties of the immediately preceding years. The Macedonian problem and the friction over the Balkan railways are provided as part of the picture, which includes also the Young Turk Revolution and the Bulgarian and Bosnian crises. The other special contribution of this study is an emphasis on the Turkish point of view, with the inclusion of a considerable number of Turkish sources. It is a well-documented and intensive study, with a little more breadth than is usually applied to this period in which the world was presented with the futile and ineffectual finale of the Concert of Europe.—Wilbur W. White.

POLITICAL THEORY AND MISCELLANEOUS

Sumner Today (Yale University Press, pp. xxvi, 194, $2.50) is a volume of selected essays to mark the one hundredth birthday anniversary of this "Darwin of the social sciences," published under the auspices of the Sumner Club of New York and edited by Maurice R. Davie. Included are

introductory sketches of the man and his work, and, interspersed among the fifteen selections, brief commentaries by about thirty leaders of American thought and life. Among these, the conservatives outnumber the liberals, because, although equal numbers of both faiths were invited to contribute, some of the latter "—many of them public office-holders—were less inclined to state their views." There can be no disagreement that Sumner was a remarkable teacher and a provocative writer. Upon his standing as a scientist, estimates differ, although in most cases with evident pains to be judicious. According to A. G. Keller, Sumner's method was "to let facts tell their own story." To W. F. Ogburn, he was "a powerful voice in the cause of science in societal affairs," while to Frederick C. Mills, "an essayist . . . not a scientist." To Harold G. Moulton, the most striking impression gained from the address on commercial crises is its applicability to present-day conditions; while to Evans Clark the sharpest impression from the same is "its incredible antiquity. . . . Professor Sumner lived and wrote about a world that is no more." Similarly, to Bruce Bliven, the essay on free trade is an echo of the age of innocence, tangential and without meaning to the real problems of today. H. L. Mencken applauds "the modest but memorable" essay with the ironical title "Absurd Effort," but thinks the present age not likely to get anything useful out of it. This reviewer will not add to the testimonials, except to subscribe to Beard's estimate, commenting upon the characteristically pithy "Earth Hunger," that "these pages illustrate the elusive nature of thought about complicated human affairs and the oracular character of Mr. Sumner's essays on things in general," yet, as all here would agree, that "without him we should be poorer in insight and understanding." The commentators, in addition to those already mentioned, include Bruce Barton, Edwin Borchard, Isaiah Bowman, John Chamberlain, William L. Chenery, Colby M. Chester, Karl T. Compton, Henry S. Dennison, William Green, Frank H. Hankins, Virgil Jordan, Waldemar Kaempffert, William S. Knudsen, Eugene Meyer, Frank M. O'Brien, Julius C. Peter, H. W. Prentis, Jr., Charles Seymour, Roger W. Straus, Mark Sullivan, Norman Thomas, Willard L. Thorp, and George E. Vincent.—WALTER SANDELIUS.

The reviewer is impressed by the completeness of *Democracy in America* (Thomas Nelson and Sons, pp. xvi, 623), by William M. Muthard, Stanley M. Hastings, and Cullen B. Gosnell, and issued as a volume in the Nelson Social Studies Series, edited by Arthur C. Bining. With its emphasis on making American democracy work, this text is simple, realistic, and direct. Teaching and learning activities, references, pictographs, and illustrations are all well-chosen and painstakingly prepared. Designed for a "functional" approach to the problems of democratic living,

the book furnishes the teacher with almost every possible aid. Especially good are the pupil activities suggested to accompany each unit of work. The teacher will understand, however, that merely following a "functional" text, no matter how excellent, will not guarantee functional results. The authors have not hesitated to set forth the democratic ideal as something ahead of us. Boys and girls should be led to work for progress in their desire to make American democracy a reality.—BURR W. PHILLIPS.

RECENT PUBLICATIONS OF POLITICAL INTEREST
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AMERICAN GOVERNMENT AND PUBLIC LAW

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